

CITY OF SAN ANTONIO

Zoning Commission Agenda

Cliff Morton Development and Business Services Center
1901 S. Alamo Street
Board Room

Tuesday, May 4, 2010
12:30 PM

ZONING COMMISSIONERS

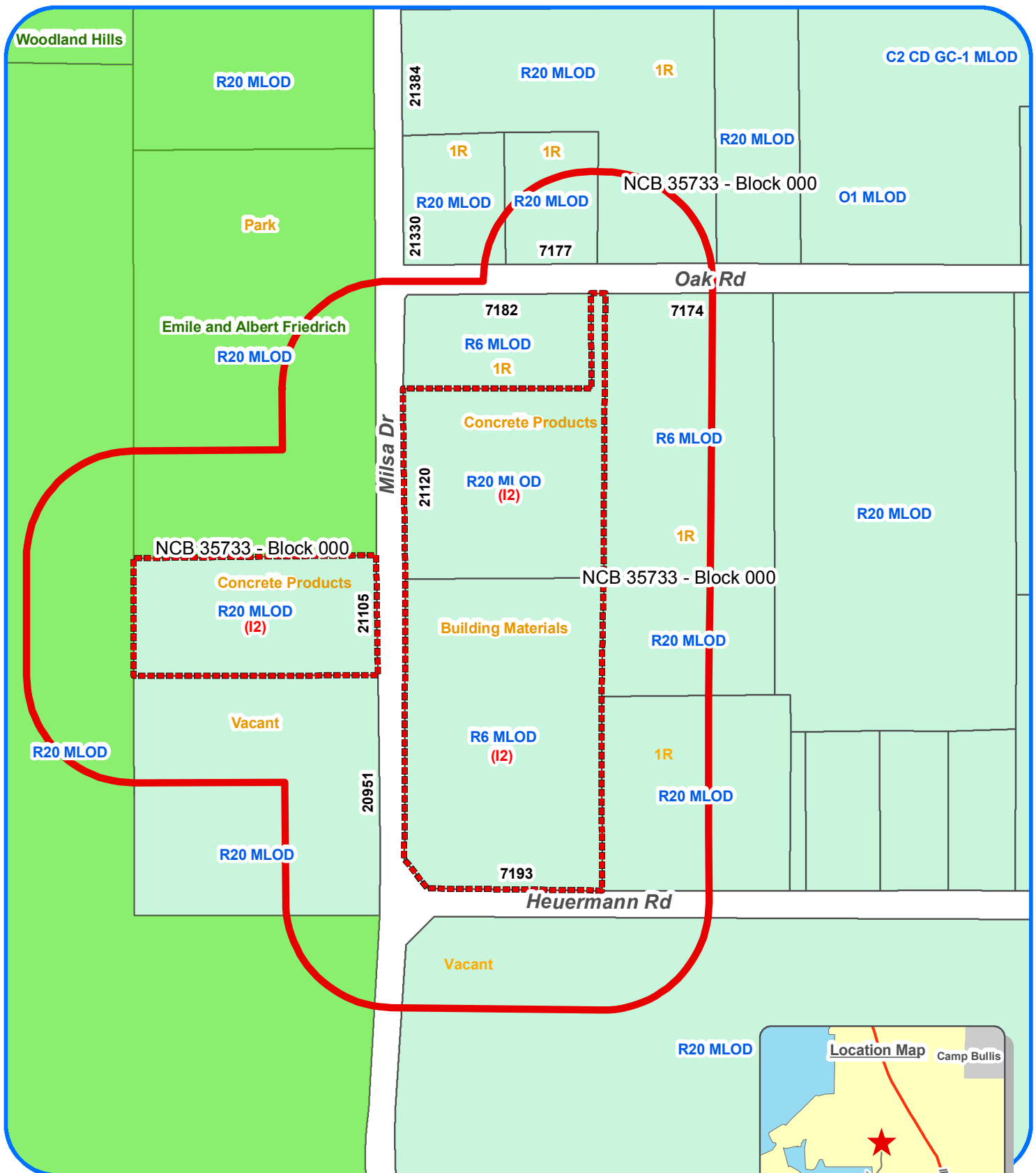
Carolyn Kelley – District 1	Christopher Martinez – District 6
Bennie Cole – District 2	David Christian – District 7
Andrew Anguiano – District 3	Billy J. Tiller – District 8
Jim Myers – District 4	Milton R. McFarland – District 10
Joe Valadez – District 5	Brenna Nava – District Mayor
Susan Wright – District 9	
Chair	

1. **12:30 PM** - Work Session briefing on the upcoming comprehensive rezoning case for properties within the Government Hill Neighborhood Plan, discussion of policies and administrative procedures and any items for consideration on the agenda for May 4, 2010.
2. **1:00 P.M.** Board Room– Call to Order.
3. Roll Call.
4. Pledge of Allegiance.
5. Approval of April 20, 2010 Zoning Commission Minutes.
6. **ZONING CASE NUMBER Z2010050:** The request for a change in zoning from “R-6 MLOD-1” Residential Single-Family Military Lighting Overlay District and “R-20 MLOD-1” Residential Single-Family Military Lighting Overlay District to “I-2 MLOD-1” Heavy Industrial Military Lighting Overlay District on Lots 18, 19, 20, 21, 22, 23, 24, 50, 51, the north irregular 110.6 feet of 17 and the east 16 feet of 25, NCB 35733, 21120, 21105 Milsa Drive and 7193 Heuermann Road. (Council District 8)
7. **ZONING CASE NUMBER Z2010060 CD:** The request for a change in zoning from “H C-2 AHOD” Commercial Dignowity Hill Historic Airport Hazard Overlay District to “H C-2 CD AHOD” Commercial Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Funeral Home on Lots 17 and 18, Block 17, NCB 569, 1533 East Houston Street. (Council District 2)
8. **ZONING CASE NUMBER Z2010088:** The request for a change in zoning from “R-6 MLOD-1” Residential Single-Family Military Lighting Overlay District to “MF-18 MLOD-1” Multi-Family Military Lighting Overlay District on 12.80 acres out of NCB 14890, 5600 and 5800 Block of UTSA Boulevard. (Council District 8)

9. **ZONING CASE NUMBER Z2010090:** A request for a change in zoning from “R-4” Residential Single-Family Airport Hazard Overlay District to “NC” Neighborhood Commercial Airport Hazard Overlay District on Lot 10, Block 46, NCB 7106, 1402 West Olmos Drive. (Council District 1)
10. **ZONING CASE NUMBER Z2010094 CD:** A request for a change in zoning from “I-1 AHOD” General Industrial Airport Hazard Overlay District and “C-3R AHOD” Commercial Restrictive Alcoholic Sales Airport Hazard Overlay District to “C-2 P CD AHOD” Commercial Pedestrian Airport Hazard Overlay District with a Conditional Use for a Veterinary Hospital - Small Animal (No Outside Runs, Pens and Paddocks Permitted) and “C-2 CD AHOD” Commercial Airport Hazard Overlay District with a Conditional Use for Auto Paint and Body - Repair With Outside Storage Of Vehicles and Parts Permitted But Totally Screened From View Of Adjacent Property Owners and Public Roadways on Lot 19 and the south irregular 40.01 feet of Lot 20, Block 239, NCB 8802, 804 West Avenue; Lots 18 through 22, Block 139, NCB 8814, 2014 West Avenue and 1831 West Wildwood. (Council District 1)
11. Public hearing and consideration of amendments to Chapter 28 of the City Code related to on-premises digital signs.
12. Public hearing and consideration of proposed recommendations from the Historic Preservation Strategic Plan including amendments to Chapter 35 of the Municipal Code, Unified Development Code, regarding changes to various articles including Article I, Purpose and Scope; Article III, Zoning; Article IV, Procedures; Article VI, Historic Preservation and Urban Design; Article VIII, Administrative Agencies; and Appendices A, B and C.
13. Public hearing and consideration of amendments to Chapter 35 of the City Code to establish a “MSAO” Military Sound Attenuation Overlay District.
14. **Executive Session:** consultation on attorney-client matters (real estate, litigation, personnel and security matters) as well as any of the above agenda items may be discussed.
15. **ADJOURNMENT.**

Accessibility Statement

This meeting is wheelchair accessible. Accessible entrances are located at the front and side of the building at 1901 South Alamo Street. Accessible parking spaces are located at the front and rear of the building. **Auxiliary Aids and Services are available upon request (Interpreters for the Deaf must be requested forty-eight [48] hours prior to the meeting).** For Assistance, Call (210) 207-7245 Voice/TTY.



Zoning Case Notification Plan

Case Z-2010-050

Council District 8

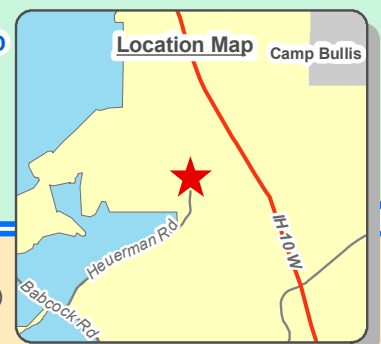
Scale: 1" approx. = 250 Feet

Subject Property Legal Description(s): NCB 35733 - Block 000 - The N 110.6 ft of Lot 17, Lots 18 thru 24, the E 16 ft of Lot 25 and Lots 50 and 51

Legend

- Subject Property (10.007 Acres)
- 200' Notification Buffer
- Current Zoning
- Requested Zoning Change
- 100-Year DFIRM Floodplain

TEXT
(TEXT)



Planning & Development Services Dept
City of San Antonio
(03/18/2010 - E Hart)

CASE NO: Z2010050

Final Staff Recommendation - Zoning Commission

Date: May 4, 2010

Continuance (Applicant's request) from April 6, 2010 and April 20, 2010.

Council District: 8

Ferguson Map: 479 F6

Applicant Name:
Jerry Arredondo

Owner Name:
Carlo & Vera Salvatore, C & L Equipment, Inc. and
Richard Craig Leeder

Zoning Request: From "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District and "R-20 MLOD-1" Residential Single-Family Military Lighting Overlay District to "I-2 MLOD-1" Heavy Industrial Military Lighting Overlay District.

Property Location: Lots 18, 19, 20, 21, 22, 23, 24, 50, 51, the north irregular 110.6 feet of 17 and the east 16 feet of 25, NCB 35733

21120, 21105 Milsa Drive and 7193 Heuermann Road

On the east and west sides of Milsa Drive, between Oak Road and Heuermann Road.

Proposal: To make existing land uses conforming (CFS Forming Structure Company and I-10 Building Materials)

Neigh. Assoc.: Friends of Friedrich Wilderness Park

Neigh. Plan: None

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:
Denial.

The subject properties are located in northwest San Antonio, on the east and west sides of Milsa Drive, between Oak Road and Heuermann Road. The properties were annexed in December of 1998, totals 10.007 acres and are currently occupied by C & L Equipment Inc. and I-10 Building Materials, Ltd. The subject properties were zoned Temporary "R-1" Single Family Residence District at annexation. In February of 1999, the 10.007 acre sites were part of a larger acre site that was granted a zoning change from Temporary "R-1" Single Family Residence District to "R-1" Single Family Residence District and "R-8" Large Lot Home District. Upon adoption of the 2001 Unified Development Code, the existing "R-6" Residential Single-Family District and "R-20" Residential Single-Family District zoning converted from the previous "R-1" Single Family Residence District and "R-8" Large Lot Home District. Surrounding zoning includes "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District to the north and east with "R-20 MLOD-1" Residential Single-Family Military Lighting Overlay District to the east, across Milsa Drive to the west and across Heuermann Road to the south. The "MLOD-1" Camp Bullis Military Lighting Overlay District was applied to the subject properties on April 2, 2009.

The applicant is attempting to bring the current uses of the properties into compliance by rezoning the properties to "I-2 MLOD-1" Heavy Industrial Military Lighting Overlay District. The existing businesses do not comply with the current residential zoning districts of "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District and "R-20 MLOD-1" Residential Single-Family Military Lighting Overlay District and are now nonconforming. The property at 21102 Milsa Drive is only used for outside storage of items and materials related to a crane operation. There is a large crane, along with weighting materials used to balance a crane when it is in use at an offsite location for construction. 21120 Milsa Drive is the office location for C & L Equipment Inc. and is currently being utilized for outside storage of materials that are used to frame commercial buildings. The materials are taken to a site for construction. The location is also used to house company trucks and equipment. 7193 Heuermann is the office/retail location for IH 10 Building Materials, Ltd. and is currently being utilized for outside storage of materials needed to build stone structures. The retail store sells construction materials and equipment to other contractors.

CASE NO: Z2010050

Final Staff Recommendation - Zoning Commission

The materials are taken to a site for construction. The location is also used to house company trucks and equipment. Given the uses permitted within the requested zoning district and the adjacent single-family dwellings and adjacent to Friedrich Wilderness Park, "I-2" would be too intense at this location. However, staff also recognizes that the businesses currently exist and the most appropriate recommendation would be to propose the lowest possible zoning.

"I-2" districts accommodate uses that are highly hazardous, environmentally severe in character and/or generate high volumes of truck traffic. The "I-2" district is established in order to provide sites for activities which involve major transportation terminals, and manufacturing facilities that have a greater impact on the surrounding area than industries found in the "L" or "I-1" district. These districts are located for convenient access for existing and future arterial thoroughfares and railway lines, they should be separated from residential areas by business or light industry areas or by natural barriers and when adjacent to residential areas artificial separation may be required. New development in an "I-2" district would be subject to strenuous development standards when abutting residential uses, such as 50-foot side and rear setbacks and a 40-foot landscape buffer. The purpose of these landscaping, screening, and buffer requirements is to provide standards that will protect the health, safety and general welfare of the community.

The subject property is located within the Camp Bullis Awareness Zone/ Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam Houston and the City of San Antonio, Zoning Staff provided the Military with a copy of the rezoning request for review and comment.

CASE MANAGER: Pedro Vega 207-7980



Zoning Case Notification Plan

Case Z-2010-060 CD

Council District 2

Scale: 1" approx. = 100 Feet

Subject Property Legal Description(s): A Portion of NCB 00569 - Block 017 - Lots 17 and 18

Legend

- Subject Property (0.3826 Acres)
- 200' Notification Buffer
- Current Zoning
- Requested Zoning Change
- 100-Year DFIRM Floodplain

TEXT
(TEXT)



Planning & Development Services Dept
City of San Antonio
(02/25/2010 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District)

CASE NO: Z2010060 CD

Final Staff Recommendation - Zoning Commission

Date: May 4, 2010

Continuance from April 20, 2010 (The zoning commission fails to pass a motion)

Council District: 2

Ferguson Map: 617 B5

Applicant Name:
Raied Alkiowani

Owner Name:
Danial I. Ahmad

Zoning Request: From "H C-2 AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District to "H C-2 CD AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District with a Conditional Use for a Funeral Home.

Property Location: Lots 17 and 18, Block 17, NCB 569

1533 East Houston Street

On the northwest corner of East Houston Street and North Hackberry Street

Proposal: To allow a Funeral Home

Neigh. Assoc.: Dignowity Hill Neighborhood Association

Neigh. Plan: Dignowity Hill Neighborhood Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:
Approval.

The subject property is located east of Downtown, on the northwest corner of East Houston Street, a major thoroughfare, and North Hackberry Street. The subject property is occupied by a commercial structure that measures approximately 4,072 square feet with ingress/egress on East Houston Street and North Hackberry Street. The property consists of 0.3826 of an acre and the existing structure was constructed in 1976. The surrounding zoning includes "H C-2 AHOD" Commercial Historic Airport Hazard Overlay District to the west and across North Hackberry Street to the east with "H I-1 AHOD" General Industrial Historic Airport Hazard Overlay District to the north. "H RM-4 AHOD" Residential Mixed Dignowity Hill Historic Airport Hazard Overlay District is located across East Houston Street to the south. Upon adoption of the 2001 Unified Development Code, the existing "H C-2 AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District converted from the previous "H B-2 AHOD" Business Dignowity Hill Historic Airport Hazard Overlay District. The Airport Hazard Overlay District was added by Ordinance #37324 (1969) and Ordinance #55085 (1982). The Dignowity Hill Historic District was added by Ordinance #57994 (1983).

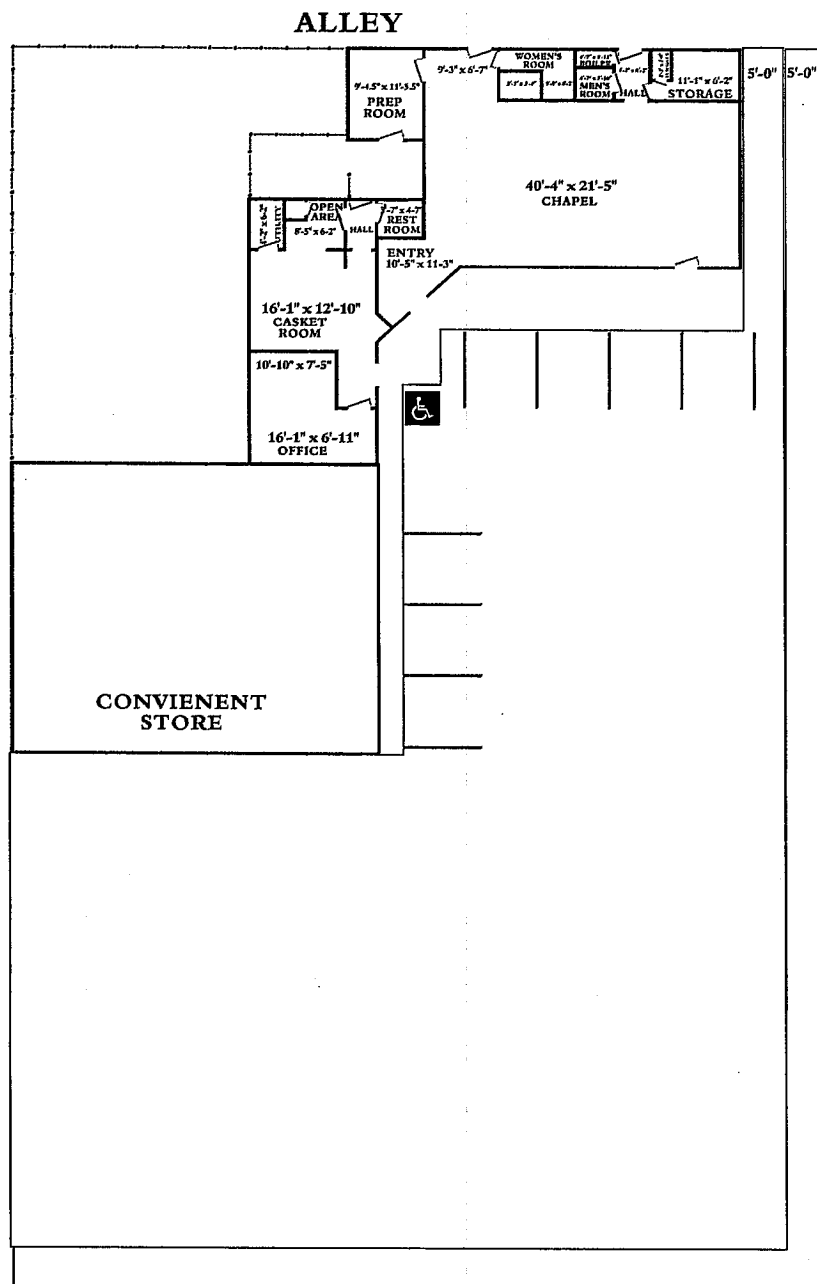
The applicant is requesting a Conditional Use to allow a Funeral Home. A Funeral Home is identified in the Unified Development Code as a use requiring a minimum zoning district of "C-3" General Commercial District to be allowed by-right. In accordance with Section 35-422, Table 422-1 of the Unified Development Code, any use allowed by right in the "C-3" General Commercial District may be allowed as a Conditional Use in "C-2" Commercial District. The application of a Conditional Use provides an opportunity to limit the impact of the proposed use on surrounding properties. Further, the base zoning district for the subject property will remain "H C-2 AHOD" Commercial Dignowity Hill Historic Airport Hazard Overlay District, which already permits a variety of other commercial uses. The Dignowity Hill Neighborhood Plan designates the subject property as Low Density Mixed Use. Low Density Mixed Use includes a mix of low intensity residential and commercial uses either on adjacent lots or integrated in one structure. The zoning request does not include a change to the base zoning so a finding of consistency is not required. The proposed rezoning would allow re-use of the existing vacant portion of the building which would be a substantial improvement to the current conditions of the neighborhood and the surrounding area. The applicant has submitted the required site plan with all the required information. All funeral homes must be properly licensed as determined by the Texas Funeral Service Commission and a certificate of occupancy shall be required for all funeral home services.

CASE NO: Z2010060 CD

Final Staff Recommendation - Zoning Commission

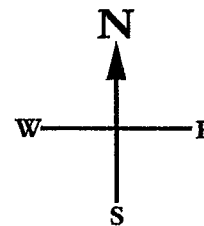
The conditional zoning procedure is designed to provide for a land use within an area that is not permitted by the established zoning district but due to individual site considerations or unique development requirements would be compatible with adjacent land uses under given conditions. The granting of a conditional zoning classification shall not be for all of the uses permitted in a given district but shall be only for the conditional use named in the ordinance approving the conditional zoning district.

CASE MANAGER: Pedro Vega 207-7980



1535 E. HOUSTON ST.

HACKBERRY



I, Danial Ahmad, the property owner, acknowledge that this site plan submitted for the purpose of rezoning this property is in accordance with all applicable provisions of the Unified Development Code. Additionally, I understand that City Council approved of a site plan in conjunction with a rezoning case does not relieve me from adherence to any/all City-adopted Codes at the time of plan submittal for building permits.

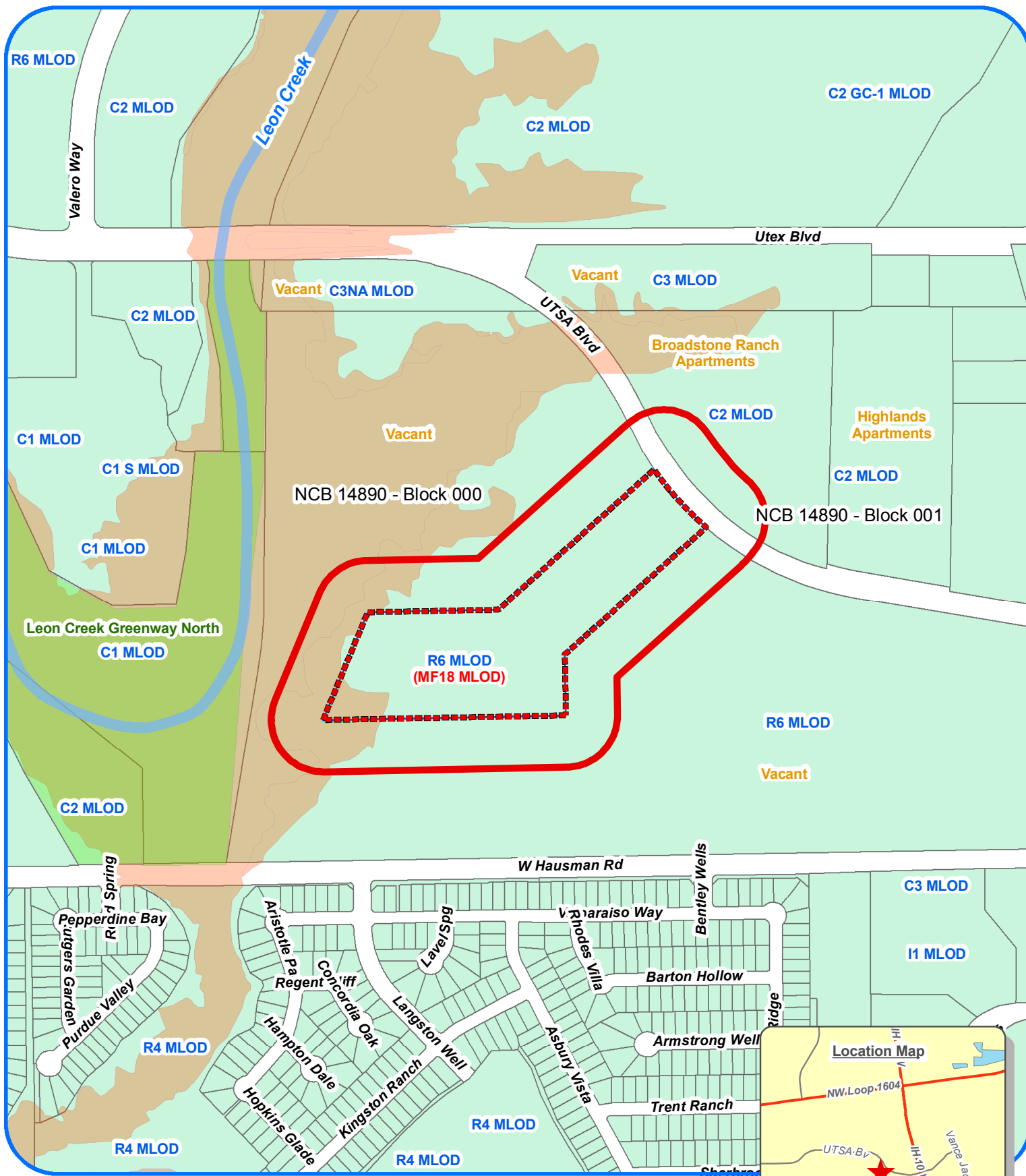
ACREAGE
0.3826

N.C.B. 569
BLOCK 17
LOTS 17 & 18

LIV. AREA
4072.0 sq.ft.

8 Reg. Parking Spaces
1 Handicap parking

SCALE FACTOR:
0.10" = 12"



Zoning Case Notification Plan

Case Z-2010-088

Council District 8

Scale: 1" approx. = 500 Feet

Subject Property Legal Description(s): 12.80 acres out of NCB 14890

Legend

- Subject Property (12.80 Acres) ■■■■■■■■■■
- 200' Notification Buffer —————
- Current Zoning TEXT
- Requested Zoning Change (TEXT)
- 100-Year DFIRM Floodplain



Planning & Development Services Dept
City of San Antonio
(3/31/2010 - E Hart)

CASE NO: Z2010088

Final Staff Recommendation - Zoning Commission

Date: May 4, 2010

Continuance (Applicant's request) from April 20, 2010

Council District: 8

Ferguson Map: 514 C7

Applicant Name:

Civil Engineering Consultants, Inc. - Kimberly Cornett

Owner Name:

Clarita Sommers Johnson & F. M. (Pete) Rozelle, Jr.

Zoning Request: From "R-6 MLOD-1" Residential Single-Family Military Lighting Overlay District to "MF-18 MLOD-1" Multi-Family Military Lighting Overlay District.

Property Location: 12.80 acres out of NCB 14890

5600 and 5800 Block of UTSA Boulevard

On the southwest side of UTSA Boulevard between Utex Boulevard to the north and IH 10 West to the east.

Proposal: To allow a multi-family development.

Neigh. Assoc.: The nearest neighborhood association is the Regency Meadow Association.

Neigh. Plan: None

TIA Statement: A Traffic Impact Analysis is required.

Staff Recommendation:

Approval.

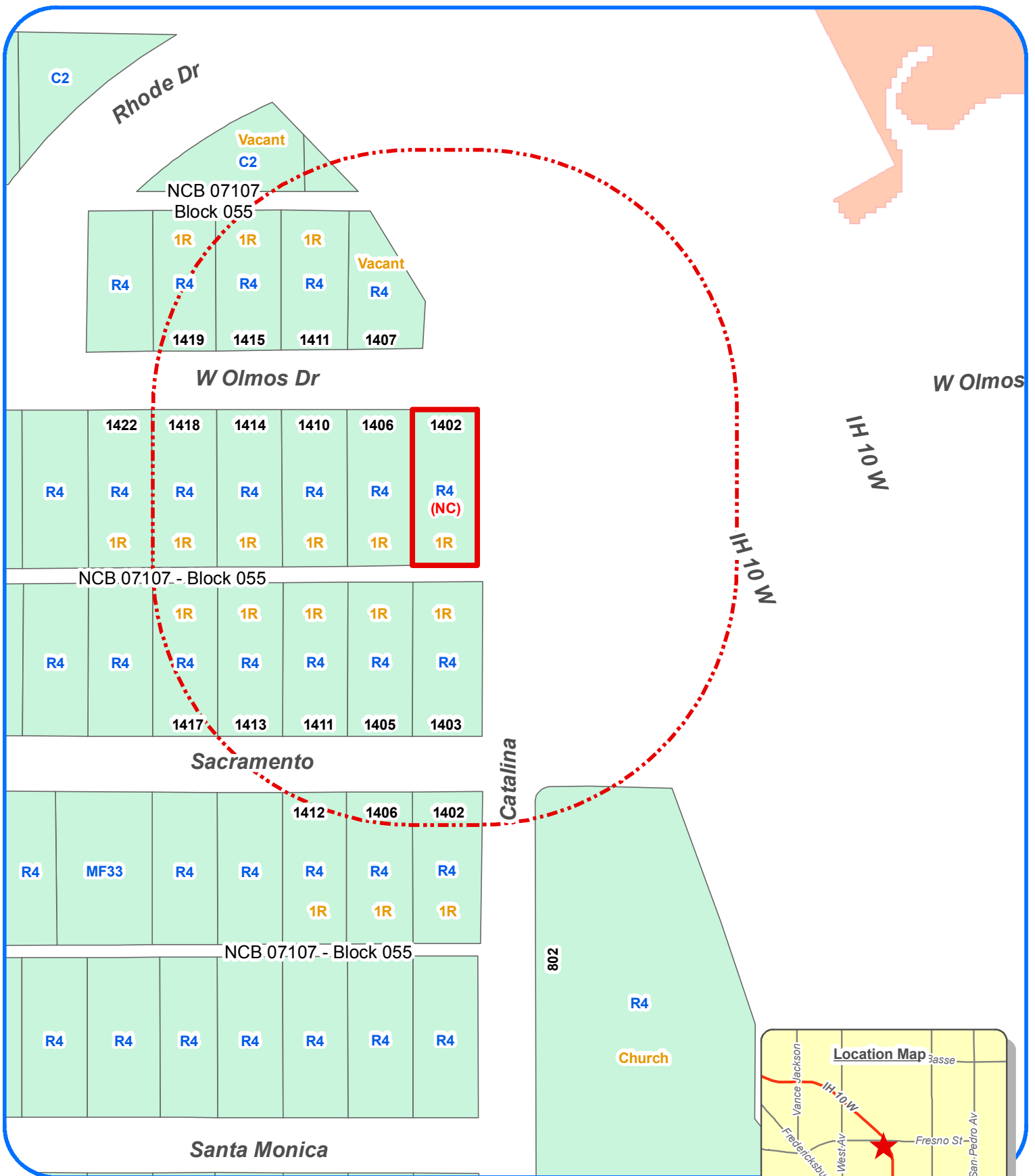
The subject property consists 12.8 acres of undeveloped land with frontage on UTSA Boulevard. The property is adjacent to "R-6" and "C-3" zoning to the north, "C-1" and "C-2" zoning to the west, "C-2" and "C-3" zoning to the northeast and "R-6" and "R-4" zoning to the south. The surrounding land uses consist of undeveloped land to the north and southeast, and apartments to the northeast and west.

The applicant is requesting a change in zoning to the "MF-18" district in order to develop a multi-family community that would primarily serve the University of Texas at San Antonio. The requested multi-family district is appropriate as the subject property fronts on an arterial road, UTSA Boulevard (a Secondary Arterial "Type A" street) and is generally surrounded by commercial zoning. Multi-family dwellings are most appropriate on the periphery of single-family neighborhoods, and along arterials or major thoroughfares. This property meets all of the above criteria for a multi-family development, given the road classification and the general location near IH 10 West and other apartment communities to the north and west as well as a major university in close proximity.

Medium and high density developments are encouraged in areas where supporting infrastructure, such as public transportation and commercial facilities are present. The site is located in an area where there is accessibility to public services and traffic circulation to major thoroughfares; IH 10 West (a Freeway) to the east and North Loop 1604 West (a Freeway) to the north as well as Babcock Road (a Secondary Arterial "Type A" street) to the west. In addition, there is access to VIA bus stops along IH 10 West, Babcock Road and North Loop 1604 West. The applicant has indicated to staff that they are pursuing an arrangement with UTSA to provide a shuttle service similar to those already in place at other surrounding apartment communities.

The subject property is located within the Camp Bullis Awareness Zone/Military Influence Area. In accordance with the signed Memorandum of Understanding between Fort Sam Houston and the City of San Antonio, the Garrison Commander did not review the zoning request because the tract is not immediately adjacent to Camp Bullis, and is located south of Loop 1604.

CASE MANAGER: Brenda Valadez 207-7945



Zoning Case Notification Plan

Case Z-2010-090

Council District 1

Scale: 1" approx. = 100 Feet

Subject Property Legal Description(s): NCB 07106 - Block 046 - Lot 10

Legend

- Subject Property (0.1377 Acres)
- 200' Notification Buffer
- Current Zoning
- Requested Zoning Change
- 100-Year DFIRM Floodplain

TEXT
(TEXT)



Planning & Development Services Dept
City of San Antonio
(04/21/2010 - E Hart)

Note: All Current and Requested Zoning includes AHOD Zoning (Airport Hazard Overlay District).

CASE NO: Z2010090

Final Staff Recommendation - Zoning Commission

Date: May 4, 2010

Council District: 1

Ferguson Map: 582 B6

Applicant Name:
Jerry Arredondo

Owner Name:
Burl W and Janie L Brock

Zoning Request: From "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District to "NC AHOD" Neighborhood Commercial Airport Hazard Overlay District.

Property Location: Lot 10, Block 46, NCB 7106

1402 West Olmos Drive

On the southwest side of West Olmos Drive and Catalina Street

Proposal: To allow for neighborhood businesses

Neigh. Assoc.: The Northwest Los Angeles Heights Neighborhood Association is the nearest registered association

Neigh. Plan: Near Northwest Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:
Denial.

The subject property is located northwest of downtown, on the southwest corner of West Olmos Drive and Catalina Street. The subject property currently consists of a vacant single-family dwelling located on one lot and is comprised of approximately 0.1377 of an acre. The surrounding zoning consists of "R-4 AHOD" Residential Single-Family Airport Hazard Overlay District on adjacent properties the west, south and across West Olmos Drive to the north. The existing neighboring land uses are occupied by single-family dwellings or vacant land. Access to the property would be from the existing drive on Catalina Street.

The subject property is located in the Near Northwest Community Plan. The future land use designation for the subject property is Urban Low Density Residential. This land use classification mainly includes single-family houses on individual lots. Detached and attached accessory dwelling units are allowed when located on the same lot as the principal residence. The applicant applied for a plan amendment, which was heard by the Planning Commission on April 14. The proposed plan amendment request was continued at that time until April 28, for which Planning Commission has recommended denial. The applicant is seeking a plan amendment to remedy the incongruity between the proposed use and the use proscribed by the Near Northwest Community Plan. The Neighborhood Planning and Urban Design Staff Plan Amendment Recommendation is for Denial. The Community Plan recommends that the existing housing mix be preserved. Amending the land use plan to Neighborhood Commercial would be incompatible with that goal.

The Neighborhood Commercial land use classification provides for offices, professional services, and shopfront retail uses that are pedestrian oriented. These uses should be located at the intersection of a collector and local street or where an existing commercial area has been established. Structures should have a maximum size of 5,000 square feet or the square footage of an existing building. A majority of the ground floor façade should be composed of windows and parking areas should be located behind the building, with the exception of one row of angled or head-in parking along the street.

CASE MANAGER: Pedro Vega 207-7980





Zoning Case Notification Plan

Case Z2010094 CD

Council District 1

Scale: 1" approx. = 115'

Subject Property Legal Description(s): Multiple Legal Descriptions

Map 2 of 2

Legend

Subject Property (1.67 Acres)
 200' Notification Buffer
 Current Zoning TEXT
 Requested Zoning Change (TEXT)



Note: All Current and Requested Zoning Includes AHOD Zoning (Airport Hazard Overlay District)

City of San Antonio
 Planning and Development Services Dept
 (4/20/2010 - J. Floyd)

CASE NO: Z2010094 CD

Final Staff Recommendation - Zoning Commission

Date: May 4, 2010

Council District: 1

Ferguson Map: 582 A5

Applicant Name:

City of San Antonio Planning and Development
Services Department

Owner Name:

Multiple Owners

Zoning Request: From "C-3 R AHOD" General Commercial Restrictive Alcohol Sales Airport Hazard Overlay District to "C-2 P CD AHOD" Commercial Pedestrian Airport Hazard Overlay District with a Conditional Use for a Veterinary Hospital - Small Animal (No Outside Runs, Pens and Paddocks Permitted) on Lot 19 and the South Irregular 40.01 feet of Lot 20, Block 239, NCB 8802 and from "I-1 AHOD" General Industrial Airport Hazard Overlay District to "C-2 CD AHOD" Commercial Airport Hazard Overlay District with a Conditional Use for Auto Paint and Body - Repair With Outside Storage Of Vehicles and Parts Permitted But Totally Screened From View Of Adjacent Property Owners and Public Roadways on Lots 18 through 22, Block 139, NCB 8814.

Property Location: Lot 19 and the South Irregular 40.01 feet of Lot 20, Block 239, NCB 8802, 804 West Avenue; Lots 18 through 22, Block 139, NCB 8814, 2014 West Avenue and 1831 West Wildwood

804 West Avenue, 2014 West Avenue and 1831 Wildwood

Proposal: To conform zoning with existing uses and with the Near Northwest Community Plan.

Neigh. Assoc.: 804 West Avenue is within the Keystone Neighborhood Association. The remaining parcels are nearest to the Northwest Los Angeles Heights Neighborhood Association.

Neigh. Plan: Near Northwest Community Plan

TIA Statement: A Traffic Impact Analysis (TIA) is not required.

Staff Recommendation:

Approval.

Staff received direction from City Council to rezone properties along West Avenue to zoning districts compatible with the existing uses and the Near Northwest Community Plan. As directed, staff has conducted a study of the subject properties and found commercial lots with excessively intense commercial zoning adjacent to, and in some cases encroaching into, the surrounding residential area. Other findings include vacant properties with intense commercial zoning and light industrial uses on lots with industrial zoning immediately adjacent to single-family residential uses and zoning.

The subject area consists of 3 parcels along West Avenue that were part of a previous rezoning proposal considered by City Council on April 1, 2010, but were referred back to staff for alternate recommendations. The current proposal is a continuation of this previous effort and is consistent with the Near Northwest Community Plan as well as compatible with the surrounding land uses.

Staff believes that the recommended rezoning proposal will serve to maintain the integrity of the neighborhood and preserve the desired use pattern while promoting the commercial nature and potential economic development of the corridor.

CASE MANAGER: Jacob Floyd 207-8318

**CITY OF SAN ANTONIO
PLANNING & DEVELOPMENT SERVICES DEPARTMENT**

TO: Members of the Zoning Commission

FROM: Roderick Sanchez, AICP, CBO
Planning & Development Services Director

COPY: T.C. Broadnax, Assistant City Manager

SUBJECT: Digital On-Premises Sign Ordinance

DATE: April 20, 2010

Summary:

Proposed amendments to Chapter 28 and 35 of the City Code to establish standards for digital on-premises signs.

Background:

Adopted in 1994, the existing on-premises sign ordinance establishes limits on sign dimensions and locations based on zoning and roadway type. The existing ordinance does not address use of digital/LED technology.

A Council Consideration Request (CCR) initiated by Councilman John Clamp was issued on December 12, 2007 directing the Planning & Development Services Department (PDSD) to amend the 1994 ordinance to respond to the increased usage of new sign technology. Specifically the CCR requested staff to address issues of brightness, noise, distracting characteristics and light pollution. At the time of the CCR, staff had just completed the digital *off*-premises sign ordinance (i.e. digital billboards) which authorized a one-year pilot program. In discussion with the Infrastructure & Growth Committee (IGC) staff developed a work program to reevaluate the one-year pilot program and then initiate a program to evaluate on-premises digital signs. The one-year pilot program ended in December 2008. Staff conducted a review of the off-premise ordinance in summer 2009 and performed the required annual inspections in October 2009. PDSD will not permit additional digital off-premises billboards until City Council authorizes an extension of the pilot program.

With the closeout of the off-premises ordinance, the PDSD work program allowed consideration of on-premises signs, which began in January 2010. To provide feedback during this process staff created a stakeholder committee comprised of representatives with the following affiliations:

- Neighborhood associations (5 representatives invited)
- San Antonio Apartment Association

- Sign industry (4 representatives invited)
- San Antonio Conservation Society
- San Antonio Board of Realtors
- City of San Antonio Electric Board.
- San Antonio Restaurant Association
- Scenic San Antonio

The committee met several times between January and April to recommend appropriate standards for on-premises digital displays. A nighttime tour of digital signs occurred in January. The primary concern of tour participants was sign intensity and how brightness is measured. After the tour, several sign operators voluntarily reduced their brightness settings. In addition to committee meetings, a general public meeting was held on March 22nd to elicit feedback on the proposed standards. All meeting materials are available online at <http://www.sanantonio.gov/dsd/digitalsigns.asp>.

The sign standards of other cities were evaluated by staff and shared with the committee; such cities include Abilene, Albuquerque, Arlington (TX), Dallas, El Paso, Fort Worth, Houston, Oklahoma City, Phoenix, San Jose, Seattle and Tyler. The ordinance of each city studied has a different focus but generally they address brightness, locations in relation to residential uses, sign dimensions, minimum dwell times and use of animation.

Upon conclusion of the public input process, briefings were provided to the Electric Board and the Board of Adjustment. As the proposed regulations are contingent upon location, and specifically zoning district, the Zoning Commission is the appropriate body to make a recommendation to City Council. With receipt of a recommendation, staff will forward the proposed ordinance to the City Council for consideration.

Issue:

Though the existing sign ordinance prescribes specific standards for off-premise digital signs, such as dwell times, limits on brightness and locations, similar regulations for on-premises digital signs do not exist. Staff, working with the stakeholder committee, has identified several recommendations to allow continued use of new sign technology but promote compatibility with residential neighborhoods and protect driver safety. Specifically the proposed ordinance addresses sign brightness prohibits use of full motion video displays over 32 square feet, limits flashing, and increases spacing requirements between signs.

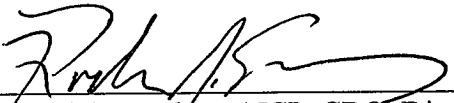
Several zoning districts already prohibit the use of digital/LED signs including all Historic Districts, the River Improvement Overlay districts, certain Neighborhood Conservation Districts and the Form Based Zoning District. The Bulverde Road Preservation Corridor Planning Team has requested a prohibition digital signs in Preservation Corridors. Though a Preservation Corridor is proposed for Bulverde Road, there are no currently adopted Preservation Corridors.

Fiscal Impact:

No impact to the City of San Antonio if the staff recommendation is adopted.

Recommendation:

Staff requests that the Zoning Commission provide a recommendation to staff on the proposed amendments to City Code. Staff will forward the recommendation of the Zoning Commission to the City Council for consideration.



Roderick Sanchez, AICP, CBO, Director
Planning & Development Services

AN ORDINANCE

AMENDING CHAPTER 28 OF THE CITY CODE OF SAN ANTONIO, TEXAS, BY ESTABLISHING PROVISIONS FOR ON-PREMISES DIGITAL SIGNS AND PROVIDING FOR PENALTIES AND PUBLICATION.

* * * * *

WHEREAS, the San Antonio City Council adopted Article IX of Chapter 28 to establish standards for on-premises sign on December 8, 1994;

WHEREAS, the public purposes of regulating on-premises signs to address aesthetics, safety, compatibility and freedom of expression are stated in §28-236;

WHEREAS, the San Antonio Master Plan Policies adopted May 29, 1997 contain a recommendation to review and revise the City's Sign Ordinance to establish development standards consistent with the Master Plan;

WHEREAS, since 1994 sign technology has evolved to include the use of light emitting diode (LED) and liquid crystal display (LCD) and other new technologies that allow changing message content, variation of sign intensity and whose placement may be incompatible with the location;

WHEREAS, the stated public purposes of §28-236 will be promoted by updating the Ordinance with the standards for digital display signs; **NOW THEREFORE**,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SAN ANTONIO:

SECTION 1. Chapter 28 of the City Code of San Antonio, Texas, is hereby amended by adding the language that is underlined (added), and deleting the language that is stricken through (~~deleted~~).

SECTION 2. Chapter 28, Section 28-6 entitled "Definitions" of the City Code of San Antonio, Texas, is amended as follows:

Sec. 28-6. - Definitions.

When used in this chapter, the following terms shall have the following meanings:

* * * * *

Adjacent shall mean two (2) properties, lots or parcels are "adjacent" where they abut, or where they are nearby and are separated by a dissimilar type of manmade or geologic feature including but not limited to a roadway or street, right-of-way, or railroad line, or any stream, river, canal, lake, or other body of water. Adjacent may or may not imply contact but always implies absence of anything of the same kind in between.

* * * * *

Animation shall mean the use of movement or some element thereof, to depict action or create a special effect or scene.

* * * * *

Digital conversion shall mean the replacement of a previously installed static sign face with a digital display.

Digital display, off-premises see sign, off-premise digital.

Digital display, on-premises shall mean an on-premise sign face that may display changing content through still images, scrolling images or moving images, including video or animation on a fixed display composed of electronically illuminated segments and/or a series of grid lights, including cathode ray, light emitting diode (LED) display, plasma screen, liquid crystal display (LCD), fiber optic, video boards or other electronic media or technology.

* * * * *

Dwell time shall mean the the interval of change between each individual message. Dwell time shall include the one (1) second or less required to change a message.

* * * * *

Flashing shall mean a pattern of changing light illumination where the sign illumination alternates suddenly between fully illuminated and fully non-illuminated, inverse illuminated or operates with transitory bursts, for periods of less than one second. This term shall include blinking, strobing and twinkling. Animation as defined shall not fall under the definition of flashing.

Footcandle shall mean a unit of light measurement equal to one lumen per square foot. Footcandle may be abbreviated "fc".

Full-motion video shall be defined as the use of live action footage shot with a video camera or similar device that is sized to fit and be displayed by an electronic message sign or similar device

SECTION 3. Chapter 28, Section 28-94 entitled "Fee schedule" of the City Code of San Antonio, Texas, is amended as follows:

Sec. 28-94. Fee schedule

* * * * *

(b) A fee schedule detailing the fees charged for all examinations, reexaminations and various sign permits will be passed by council under separate Ordinance(s). A copy of the Ordinance(s) will be posted in the offices of the department of building inspections and in the office of the city clerk. In addition, the following fee schedule is applicable:

* * * * *

(8) *On-premise sign permits.*

Sign inspection fee	<u>50.00</u> [20.00]
Less than 32 sq. ft.	10.80
Over 32 sq. ft.	10.80 + .22/sq. ft. over 32 sq. ft.
Gas tube/electric	10.80
Incandescent signs	5.40 + .22/socket
Sign height, per foot	2.00
<u>Digital Display/Electronic Message Center fee</u>	<u>15.00</u>

Commentary: the digital display/electronic message center is an additional fee that supplements othe required permit and inspection fees.

* * * * *

(11) *Off- premises Digital sign permits.*

Inspection fee	200.00
1-75 sq. ft.	64.80
More than 75 sq. ft.	64.80 + .88 sq. ft.

(12) *Off- premises Digital sign annual inspection fee.*

1-72 sq. ft.	200.00
73-300 sq. ft.	300.00
301-672 sq. ft.	400.00

SECTION 4. Chapter 28, Section 28-220 entitled “Sign standards” of the City Code of San Antonio, Texas, is amended as follows:

Sec. 28-220. Sign standards.

(a) *General.* Ordinances establishing specific urban corridors may include requirements for on- and off-premises signs subject to the guidelines included herein. Specific corridor Ordinances may include more or less restrictive standards for off-premises signs. In event of a conflict

between a specific corridor Ordinance and other provisions of this Code, the most restrictive shall apply.

(b) *Prohibited signs.* Other provisions of this Code notwithstanding, the following signs are prohibited unless expressly authorized by the city council to create a unifying theme in a specific urban corridor:

(1) Animated, moving, flashing, or rotating signs. However, digital displays, including but not limited to, electronic message centers up to twenty-five (25) percent of the allowable sign area are permitted.

(2) Three-dimensional objects such as vehicles, animals, instruments or other figures; propellers, wind powered or other similar devices or objects; and air-filled figures other than balloons one (1) foot or less in diameter.

(3) Signs which utilize intermittent or flashing illumination devices; which change light intensity, brightness or color; or which are constructed and operated so as to create an appearance or illusion of motion unless specifically authorized by the city council to create a unifying theme in an urban corridor. Said prohibition shall include digital displays.

(4) Roof signs.

SECTION 5. Chapter 28, Section 28-240 entitled “Provisions applicable to residential zoning districts” of the City Code of San Antonio, Texas, is amended as follows:

Sec. 28-240. Provisions applicable to residential zoning districts.

(a) The provisions of this section apply to all signs in any residential zoning district and within a radius of one hundred (100) feet of a residential zoning district or a public park boundary.

(b) The following signs are allowed in residential zones:

(1) One attached, nonilluminated nameplate identifying a home occupation or bed and breakfast establishment not to exceed one (1) square foot in sign area.

(2) Apartment or condominium complex freestanding signs are allowed in accordance with Table 2. In addition, one identification sign per entrance is allowed.

(3) For nonresidential uses on local streets, one (1) freestanding sign and one attached sign, each not to exceed thirty-six (36) square feet in sign area is allowed. For nonresidential uses with primary frontage on arterials/commercial collectors and expressways, freestanding signs are allowed in accordance with Table 2 and digital displays are permitted in accordance with §28-241.

(c) Special regulations for local streets and residential collectors in residential zones:

(1) Freestanding signs shall have a maximum height limit of eight (8) feet and shall be set back fifteen (15) feet from any public right-of-way and a minimum of ten (10) feet from side and rear lot lines abutting residential uses.

(2) No portion of an illuminated sign shall have a luminance greater than two hundred (200) foot candles as measured within six (6) inches of the sign face.

(3) No sign nor part of any sign in a residential zoning district shall move, flash, rotate, or change its illumination.

(4) Digital displays shall not be permitted.

SECTION 6. Chapter 28, Section 28-241 subsection (e) entitled “*Special regulations for nonresidential zoning districts*” of the City Code of San Antonio, Texas, is amended as follows:

Sec. 28-241 Provisions applicable to nonresidential zoning districts.

* * * * *

(e) *Special regulations for nonresidential zoning districts.*

(1) ~~{Menu boards}~~. Menu boards shall be oriented to internal vehicular traffic and shall not be directed to traffic on adjacent streets.

(2) *Fuel price signs*. In addition to other authorized signs, service stations shall be allowed one (1) sign on each pump island identifying only the type and price of fuels. Each sign shall not exceed eight (8) square feet in area. If attached to a freestanding sign, the area of the fuel price sign shall be counted toward the allowable area for the freestanding sign.

(3) *Wall signs*. Wall signs shall project no more than eighteen (18) inches perpendicular from the wall. Signs on a wall of a building which is on the property line may project eighteen (18) inches over the property line.

(4) *Projecting signs*. Projecting signs may extend into the public right-of-way from the building facade for a maximum distance of eight (8) feet or a distance equal to two-thirds (2/3) the width of the abutting sidewalk, whichever distance is greater. However the horizontal clearance between any portion of the sign and the curb line shall not be less than two (2) feet. Projecting signs shall not exceed one hundred and fifty (150) square feet in sign area and shall be a minimum of eight and one-half (8 ½) feet above the adjacent sidewalk.

(5) *Awning, canopy, marquee signs*. These signs shall comply with the latest adopted International ~~Uniform~~ Building Code for construction requirements.

(6) *Incidental signs.* Incidental signs may be erected on any platted lot without limit to number, provided the signs do not exceed thirty-two (32) square feet in area or eight (8) feet in height.

(7) *Digital displays.* On-premises digital displays shall be permitted subject to the following requirements:

a. Intensity:

i. All digital displays shall be illuminated at a level no greater than 0.3 footcandles over ambient light levels for the location and time and shall employ light cutoff devices such as, but not limited to, louvers in order to minimize light escaping above the horizontal plane. Footcandle readings shall be measured at ground level at the distances shown in Table 4.

TABLE 4

<u>Sign size (Square Feet)</u>	<u>Distance from source</u>
<u>0 to 100</u>	<u>100 feet</u>
<u>101 to 350</u>	<u>150 feet</u>
<u>351 to 650</u>	<u>200 feet</u>
<u>Over 651</u>	<u>250 feet</u>

ii. As measured from the nearest residential property line, the maximum light emanation from an adjacent digital sign display shall be 0.2 footcandles.

iii. A digital display sign must be equipped with both a dimmer control and a photocell which automatically adjusts the display's intensity according to natural ambient light conditions.

iv. The digital display shall contain a default mechanism to turn the sign off in case of malfunction or shall be manually turned off within 24 hours of a reported malfunction.

b. Digital display standards:

i. Use of full-motion video is prohibited on displays greater than 32 square feet.

ii. Use of flashing, strobing or scrolling line-travel text such as, but not limited to, "ticker-tape" is prohibited.

iii. Use of sound is prohibited.

c. Digital display placement:

i. No more than one two-sided digital display per each freestanding sign structure shall be permitted.

ii. No more than one two-sided digital display may be permitted for each street frontage for an individual premise.

ii. Minimum spacing between digital display signs shall be 200 feet.

d. Sign dimensions:

i. Digital displays shall be permitted at heights and areas in accordance with Table 2.

ii. In no case shall a digital display exceed 375 square feet nor exceed 60 feet in overall height.

e. Existing signs. All digital displays, as defined, lawfully in existence prior to the effective date of this Ordinance shall conform to the provisions of this subsection within one year of the adoption date of this Ordinance; provided however, that incandescent or monochrome LED signs using a single display color and which are used exclusively to display text, including time and temperature signs, shall be excluded from the requirements of this provision.

SECTION 7. Chapter 28, Section 28-243 entitled “*Prohibited signs*” of the City Code of San Antonio, Texas, to include subsections (e) and (f):

Sec. 28-243. Prohibited signs.

(a) Notwithstanding any provisions of this article, no sign shall be erected which constitutes an obstruction to the view of operators of motor vehicles on public streets or entering such streets from private property as determined by the director of public works.

(b) No revolving beam or beacon of light resembling any emergency vehicle light shall be permitted, nor shall any sign be made to resemble a traffic control sign.

(c) Signs which encroach or project over public property or right-of-way, except as expressly permitted by this division.

(d) Portable signs.

(e) No digital display sign shall be configured to resemble a warning or danger signal or to cause a driver to mistake the sign for a warning or danger signal.

(f) No digital display sign shall resemble or simulate any lights or official signage used to control traffic in accordance with the 2003 Manual on Uniform Traffic Control Devices, with Revision No. 1 published by the Federal Highway Administration (FHWA).

SECTION 8. Chapter 28, Section 28-245 entitled “*Nonconforming sign abatement*” of the City Code of San Antonio, Texas, is amended as follows:

28-245. - Nonconforming sign abatement.

(a) *Continuance.* Any nonconforming sign may be continued in operation and maintained after the effective date of this division; provided, however, that no such sign shall be changed in any manner that increases its noncompliance with the provisions of this division; and, provided further, that the burden of establishing such a sign to be nonconforming under this section rests entirely upon the person claiming nonconforming status.

(1) *Freestanding signs.* Freestanding pole signs that are nonconforming due to square footage, height, or spacing requirements may be refaced and/or have general maintenance, as defined, performed as defined in this chapter. In general, whenever the sign cabinet is removed it shall, at that time, lose its nonconforming status; however, the sign cabinet, if of exceptional height, size or unusual shape, may be lowered to the ground to facilitate the above mentioned general maintenance and/or refacing due to property or personnel safety consideration considerations, if first approved by the director of the planning and development services department. In addition, when an on-premise sign is considered to be non-conforming due to height only, a sign cabinet located under the allowable height could be added or replaced provided the replacement cabinet does not cause the sign to exceed the allowable message area or otherwise cause the sign to be considered nonconforming for reasons other than height only. The contractor shall submit a written request, prior to removal of the sign cabinet, outlining the proposed work to be performed, dates for accomplishment of same and property or personnel safety considerations involved. If approved, the contractor shall be issued a basic sign inspection permit and shall request an inspection on said permit when the sign cabinet is first taken down and again just prior to re-installation. When the sign cabinet is first lowered to the ground, the license holder of record for the company shall submit a written assessment to the director of the planning and development services department as to the structural integrity of the sign cabinet and its structural supports. If it is determined that the sign cabinet or structural supports are not structurally sound, the sign shall, at that time, lose its nonconforming status as outlined in section 28-245 (c) ~~(b)~~ (3). In addition, failure to gain approval and have the sign inspection permit issued prior to the sign cabinet being taken down shall cause the sign to lose its nonconforming status. Replacement of structural supports, poles, cabinet sheet metal, etc., that could be considered rebuilding the sign shall be prohibited.

SECTION 9. A violation of this Ordinance is subject to the penalties and provisions of Chapter 28, Signs and billboards, Section 28-15, Violations; penalties; civil remedies; nuisance signs; removal; reclaiming.

SECTION 10. Should any Article, Section, Part, Paragraph, Sentence, Phrase, Clause, or Word of this Ordinance, or any appendix thereof, for any reason, be held illegal, inoperative, or invalid or if any exception to or limitation upon any general provision herein contained be held to be unconstitutional or invalid or ineffective, the remainder shall, nevertheless, stand effective and valid as if it had been enacted and ordained without the portion held to be unconstitutional or invalid or ineffective.

SECTION 11. All other provisions of Chapter 28, City Code of San Antonio, Texas, remain in full force and effect except as expressly amended and adopted by this Ordinance.

SECTION 12. The publishers of the City Code of San Antonio, Texas, are authorized to amend said Chapters of said Code to reflect the changes adopted herein, to correct typographical errors and to index, format and number paragraphs to conform to the existing code.

SECTION 13. Funds generated by this Ordinance will be deposited to Fund _____ General Ledger _____.

SECTION 14. The City Clerk for the City of San Antonio is hereby directed to publish notice of this Ordinance in a newspaper published in the City of San Antonio, Texas, as required by the Charter of the City of San Antonio.

SECTION 15. This Ordinance shall become effective on the 13th date of June, 2010.

PASSED AND APPROVED this 3rd day of June, 2010.

M A Y O R
Julián Castro

ATTEST:

Leticia M. Vacek, City Clerk

APPROVED AS TO FORM:

Michael Bernard, City Attorney

CITY OF SAN ANTONIO
Planning and Development Services Department
M E M O R A N D U M

TO: PDSO Customers

FROM: Roderick J. Sanchez, Director and Building Official

DATE: August 18, 2009

FILE: Code Interpretations Manual

INTERPRETATION NUMBER: CI2009-005

TITLE: Replacing/Adding Cabinets on Non-Conforming On Premise Signs

CODE/EDITION: Chapter 28 City Code "Signs and Billboards"

SECTION(S): Definitions
Article IX. Section 28-245

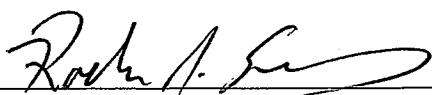
PURPOSE: To clarify the extent and scope of work allowed on non-conforming on-premise signs.

QUESTION: Is it permissible to replace a sign cabinet on a non-conforming on-premise sign?

ANSWER: No. However, when an on-premise sign is considered to be non-conforming due to height only; a sign cabinet located under the allowable height could be replaced provided the replacement cabinet did not cause the sign to exceed the allowable advertising area or otherwise cause the sign to be considered non-conforming for reasons other than height only.

QUESTION: Is it permissible to add a sign cabinet on a non-conforming on-premise sign?

ANSWER: No. However, when an on-premise sign is considered to be non-conforming due to height only; a sign cabinet located at or under the allowable height for the street classification could be added provided the new sign cabinet did not cause the sign to exceed the allowable advertising area or otherwise cause the sign to be considered non-conforming for reasons other than height only.



Roderick J. Sanchez, Director and Building Official
Department of Planning and Development Services

PROPOSED HISTORIC UDC CHANGES:

Amendment - 1

Sec. 35-602. City Historic Preservation Officer.

The city historic preservation officer, through the office of historic preservation, shall administer this article and shall advise the historic and design review commission on each application that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The city historic preservation officer shall have the following powers and duties:

- (a) To approve, deny or approve with conditions, applications submitted to the office of historic preservation.
- (b) To coordinate with the department of CIMS who shall administer the public art and design enhancement program under division 5 of article VI.
- (c) To coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation and urban design organizations in the private sector.
- (d) To recommend to the commission buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this chapter.
- (e) To recommend to the commission buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.
- (f) To maintain and hold open for public inspection all records pertaining to the provisions of historic and design regulations as provided for in article VI and article III, and to keep a copy available for public viewing all historic district specific guidelines, Secretary of the Interior Standards, Guidelines for Archeology and Historic Preservation, and any other guidelines which are referenced in Article VI. Public viewing may include available Office of Historic Preservation websites.
- (g) To review, approve or deny applications for building and demolition permits required by section 35-108.
- (h) To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local government agencies from which prior approval is required as provided in this chapter for historic and design review.
- (i) To administratively review office of historic preservation applications and forms for completeness.
- (j) To convene special, called meetings of the architectural committee subcommittee of the historic and design review commission when development projects over five thousand (5,000) square feet merit committee consideration and advice prior to the historic and design review commission meeting.
- (k) To designate objects, buildings and structures submitted for review as contributing or noncontributing to a historic landmark or historic district.

~~Sec. 35-602. Administration.~~

~~(a) Notification of Affected Property Owners. Prior to historic and design review commission consideration of any property for historic designation, or removing or upgrading the designation of historic, as it applies to a district or landmark, the historic preservation officer shall send notice of the fact by mail to the owner or owners of affected property, stating reasons for recommendation. Upon passage of any ordinance designating as historic, or removing or upgrading the designation of historic, as it applies to a district or landmark, the city clerk shall send notice of the fact by mail to the owner or owners of affected property. This action shall be in addition to notice given prior to public hearing as set forth under the city's zoning code.~~

~~Property owners within a proposed historic district boundary shall be notified prior to historic and design review commission hearing on the historic district designation. Upon recommendation of the commission, the proposed historic district designation shall be submitted to the zoning commission for its review and recommendation. The zoning commission shall give notice, conduct its hearing, and make recommendations to the city council in the same manner and according to the same procedures as specifically provided in the general zoning ordinance of the City of San Antonio. In like manner, the city council shall give notice, follow the publication procedure, hold hearings, and make its determination in the same manner as provided in the general zoning ordinance of the City of San Antonio.~~

~~(b) Recommendations of Designation. Recommendations for landmark or historic district designation are made by the historic and design review commission to the city council through the zoning commission. A request for historic district designation requires concurrence of a majority of the property owners within the district, while designation of a historic landmark requires concurrence of the property owner. Notwithstanding the foregoing, a request for landmark or historic district designation may be made by the city. To the extent that this paragraph conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites.~~

~~(c) Initiation. Requests for designation shall be made on a form obtained from the city historic preservation officer. Completed request forms shall be returned to the office of the city historic preservation officer for processing. In the event the historic and design review commission does not recommend an applicant's request for designation of a resource, the applicant may petition the zoning~~

commission for a hearing, following procedures set forth in section 35-421 of this chapter (~~zoning amendments~~).

(d) ~~Issuance of Certificates of Appropriateness or Other Permits. See division 5 of article IV of this chapter.~~

Secs. 35-603 to 35-604. Reserved.

Amendment - 2

Sec. 35-605. Designation of Process for Historic Districts.

(a) Authority. The city council may designate by zoning ordinance certain areas in the City of San Antonio as historic districts and certain places, buildings, objects, sites, structures, or clusters as ~~exceptional or significant~~ historic landmarks. Such districts shall bear the word "historic" in their zoning designation; such landmarks shall bear the words ~~"historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation~~ "historic, landmark (HL) in their zoning designation". The procedure for designation shall be subject to notice as prescribed in article IV of this chapter for a zoning amendment, and shall conform to the federal and state constitution.

(b) Processing Applications for Designation of Historic Districts.

(1) Initiation. Any person, the historic preservation officer, the historic and design review commission, the zoning commission or the city council may initiate a historic district designation by filing an application with the historic preservation officer. Requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. Additionally, Requests requests for historic district designation must have the concurrence of shall not be processed by the office of historic preservation if the owners representing at least fifty-one (51) percent of the property or fifty-one (51) percent of the property owners located within the boundaries of the proposed historic district oppose the designation in writing and present such opposition to the historic preservation officer. Notwithstanding the foregoing, unless a request for historic district designation may be made was authorized by the city council. To the extent that this paragraph conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites.

In addition to any other conditions established by section 35-605, applications for historic designation shall meet the following criteria:

A. Submittal Deadline and Notice. Provided that the historic preservation officer agrees that the proposed area indicated in the application is appropriate for designation, the office of historic preservation ~~The planning and community development~~

~~department~~ staff shall hold a at least one public meeting to announce the effort to obtain historical designation, ~~and may distribute consent forms at the meeting. When distributed, consent forms must be completed and returned to the historic preservation officer within three hundred sixty five (365) days (one (1) year) following the date of the public meeting.~~

~~B. Resubmittal Deadline. In the event the required signatures were not obtained, consent forms may not be resubmitted within seven hundred thirty (730) days (two (2) years) of the submittal deadline as outlined in subsection A. above.~~

~~C. Interim Deadline. Consent forms in process must be submitted with the required signatures within six (6) months from the effective date of the adoption of this amendment by the city council. Resubmittal of consent forms shall be as designated in subsection B. above. This provision shall expire on October 23, 2007 (six (6) months plus one (1) day after effective date of adoption).~~

~~D. Sub Areas. At the discretion of the initiator and/or the director, consent forms for large areas (defined as two hundred (200) lots or more) may be broken into sub areas. Sub areas shall be determined and based on one (1) or more of the following criteria: historic plat, historic developmental pattern, collection of like architectural styles, or easily definable boundaries such as public streets or alleys. If the application is divided into subparts, the historic preservation officer shall conduct a public meeting for the entire application area to explain the new subparts and reasons for dividing the application.~~

If the required signatures are obtained for any sub area, the consent forms shall be returned to the historic preservation officer in accordance with the provisions of subsection A. above. Prior to the required public meeting, the historic preservation officer shall send notice of the initiation of an application by mail to the owner or owners of affected property stating the purpose, date, time and place of the public meeting. This notice shall be in addition to notice given prior to public hearing as set forth under the city's zoning code. The historic preservation officer shall also send notice of the public meeting to any registered neighborhood associations located within the proposed district boundary.

B. Owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they would like for the Historic Preservation Officer to consider for designation as non-contributing to the historic district. Such submission shall be treated in accordance with Section 35-619.

(2) Completeness Review. See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review ~~an~~ applications and submitted written opposition for completeness.

(3) Decision. Provided that at least 90 days have passed since the public meeting and the historic preservation officer has not received written opposition from at least 51% of the property owners in the proposed designated area, The ~~the~~ historic preservation officer shall forward the application to the historic and design review commission for a hearing and ~~initial~~ recommendation. The historic preservation officer shall notify all property owners within a proposed historic district boundary of the date, time, place and purpose of the historic and design review commission hearing prior to the historic and design review commission hearing on the historic district designation. The historic and design review commission shall make its recommendation ~~to be forwarded to the zoning commission~~ for either approval or denial within thirty (30) days from the date of submittal of the designation request by the historic preservation officer. Upon recommendation of the historic and design review commission, the proposed historic district designation shall be submitted to the zoning commission with the historic and design review commission recommendation. The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission's recommendation to be held within forty-five (45) days of receipt of the historic and design review commission's recommendation and shall forward its recommendation for either approval or denial to the city council. The city council shall schedule a hearing to be held within forty-five (45) days of its receipt of the zoning commission's recommendation. The city council shall review and shall approve or deny the proposed historic district. Upon passage of any ordinance designating as historic, or removing the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.

(d) Historic District Guidelines. The city council may, from time to time, designate specific guidelines for particular historic districts. ~~Where such guidelines have been promulgated, the guidelines will be incorporated by reference in Appendix "F" to this chapter.~~ The designation shall include the formal name of the district, a legal description of the boundaries of the district, and a cross-reference to the design guidelines. ~~Where such design guidelines have been adopted, no application for development approval shall be approved unless the proposed development is consistent with the design guidelines. Proposed developments shall comply with the design guidelines in addition to the criteria set forth in sections 35-608 to 35-613 of this chapter; provided, however, to the extent that there is any inconsistency between a provision of sections 35-608 to 35-613 and a design guideline, the design guidelines shall control. If no design guidelines have been adopted for a historic district, the proposed development shall conform to the criteria set forth in sections 35-608 to 35-613 of this chapter.~~

Amendment - 3

Sec. 35-606. Designation of Process for Historic Landmarks.

(a) ~~Authority. Applicability.~~ Requests for landmark designation may only be made by or with the concurrence of the property owner. In instances where a property owner does not consent to the landmark designation, the historic preservation officer shall request a resolution from city council to proceed with the designation process prior to any zoning commission hearing. Notwithstanding the foregoing, a request for landmark ~~district~~ designation may be made and approved by the city council. To the extent that this subsection conflicts with any other provisions of this chapter, this paragraph shall control except for buildings, objects, sites, structures, or clusters heretofore designated as local landmarks or districts, National Register landmarks or districts, state historic landmarks or sites, or state archaeological landmarks or sites. Additionally, requests for designation shall be made on a form obtained from the city historic preservation officer through the office of historic preservation. Completed request forms shall be returned to the office of historic preservation for processing. All buildings, objects, sites, structures, or clusters heretofore designated by the city council as historic landmarks under any pre-existing ordinance of the City of San Antonio shall be accorded the protection of properties designated historic landmarks under this chapter and shall continue to bear the words "historic, exceptional" (HE) or "historic, significant" (HS) in their zoning designation.

(b) Designation of Historic Landmarks.

(1) Initiation. Any person, the historic and design review commission, zoning commission, the historic preservation officer, or the city council may initiate a historic landmark designation by filing an application with the historic preservation officer. Requests for designation shall be made on a form obtained from the city historic preservation officer. Completed request forms shall be returned to the office of historic preservation for processing. Owner consent for historic landmark designation shall be required unless a City Council resolution to proceed with the designation has been approved. Additionally, owners may submit with the application a written description and photographs or other visual material of any buildings or structures that they wish to be considered for designation as non-contributing to the historic landmark.

(2) Completeness Review. See section 35-402 of this chapter. For purposes of this section and subsection 35-402(c), the historic preservation officer is the administrative official with original jurisdiction to review an application for completeness.

(3) Decision. The historic preservation officer shall refer ~~an~~ a completed application for historic landmark designation to the historic and design review commission. Property owners of proposed historic landmarks shall be notified of the historic and design review commission hearing by the historic preservation officer by certified mail with return receipt requested prior to a historic and design review commission hearing for historic landmark designation. Notice to property owners shall state the place, date, time and purpose of the historic and design review commission hearing. The historic preservation officer shall also send notice of the meeting to any registered neighborhood associations located within the proposed district boundary. The historic and design review commission shall make and forward its recommendation, ~~to be forwarded~~ to the zoning commission within forty-five (45) days from the date of submittal of the designation request by the historic preservation officer. ~~The recommendation shall be made by a two-thirds (2/3) affirmative vote of the members present.~~ Upon submittal of the historic and design review commission's recommendation, the proposed historic district or landmark designation shall be submitted to the zoning commission for its review recommendations along with its finding of ~~"historic exceptional" or "historic significant."~~ historic significance. The zoning commission and the city council shall process the application as prescribed in section 35-421 of this chapter and this section. The zoning commission shall schedule a hearing on the historic and design review commission recommendation to be held within sixty (60) days of receipt of such recommendation and shall forward its recommendation to city council which shall schedule a hearing to be held within sixty (60) days of council's receipt of such recommendation. Upon passage of any ordinance designating a historic landmark, or removing or upgrading the designation of historic, the city clerk shall send notice of the fact by mail to the owner or owners of affected property.

(c) Resources Not Designated by Initial Ordinance.

(2) Uninventoried Resources. As required under the Certified Local Government (CLG) Program of the National Park Service and the Texas Historical Commission, the ~~historic and design review commission~~ Office of Historic Preservation on an ongoing basis shall conduct an inventory of buildings, objects, sites, structures and clusters throughout the city to determine cultural, architectural, historical, or archaeological significance, applying the criteria of section 35-607. For such inventories, the ~~commission~~ Office of Historic Preservation shall rate the resources ~~as exceptional, significant, not significant or not rated~~ based on integrity and/or significance. Those buildings, objects, sites or structures found by the board to meet the criteria for ~~exceptional or significant~~ historic landmarks shall be recommended for designation following the procedures in subsection (a) of this section. The city, including the Office of Historic Preservation, shall require an inventory of resources in the extraterritorial jurisdiction as part of the master development plan process and the subdivision letter of certification process within the area subject to the MDP or subdivision

application unless the Office of Historic Preservation determines, after an initial review, that such an inventory is not required.

(3) Other Resources. If any building, object, site, structure or cluster is thought to be of historical, architectural, or cultural significance, the historic preservation officer, following an initial investigation of the resource, shall refer the matter to the historic and design review commission for a detailed study, review, and official ~~determination~~ recommendation of the historical, architectural, or cultural status of the building, object, site, structure, or cluster in accordance with the criteria and procedures established in this chapter.

(h) Changes in Evaluation. The historic and design review commission may reconsider a previous evaluation of a resource if additional data is provided and a new evaluation is made using the criteria set forth herein. When such a resource meets the criteria for ~~significant or exceptional~~ historic designation based on all documentation provided, the historic and design review commission may recommend a change in designation. Following the same procedures set forth herein in subsection (a) of this section for designation, the city council may change a designation upon recommendation of the historic and design review commission.

Amendment - 4

Sec. 35-607. - Designation Criteria for Historic Districts and Landmarks.

~~(a) Process and Criteria for Considering Designation of Historic Districts and Landmarks.~~

~~(1) The first step in the designation process is to apply the criteria which follow standards set forth by federal, state, and city regulations for evaluating cultural properties. These criteria are to assure that resources are preserved through restoration and adaptive use and to provide that conservation and development interests can consider resources early in the planning process.~~

~~(2) The criteria applied to evaluate properties for inclusion in the National Register designation guidelines shall be followed as a guide for evaluating cultural resource properties.~~

~~(3) The criteria applied to evaluate properties for inclusion in the National Register designation guidelines shall be applied for evaluating the designation of historic districts and historic landmarks, substituting the importance of the resource to San Antonio and Texas rather than the importance to the nation as a whole. As with federal regulation, these criteria are intentionally worded to provide for the diversity of historic resources within the city.~~

Historic districts and landmarks shall be evaluated for designation using the criteria listed in subsection b and the criteria applied to evaluate properties for inclusion in the National Register. In order to be eligible for historic landmark designation, properties shall meet at least 3 of the criteria listed. Historic districts shall consist of at least two or more structures within a legally defined boundary that meet at least 3 of criteria. Additionally, all designated landmarks and districts shall demonstrate clear delineation of the legal boundaries of such designated resources.

~~(b) Initial Evaluation. To qualify for initial evaluation of a historic district or landmark, at least one (1) of the following criteria shall be met:~~

~~(1) Its value as a visible reminder of the cultural heritage of the community, or national event;~~

~~(2) Its location as a site of a significant local, county, state, or national event;~~

~~(3) Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;~~

~~(4) Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;~~

~~(5) Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;~~

~~(6) Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;~~

~~(7) Its unique location or singular physical characteristics that make it an established or familiar visual feature;~~

~~(8) Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;~~

~~(9) Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development; and~~

~~(10) Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.~~

~~(c) Final Evaluation. When one (1) or more of the above criteria is met, the second step in the designation process shall consider the following criteria:~~

~~(1) For Architectural and Historic Resources.~~

~~A. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;~~

~~B. Properties which are determined to contribute to a San Antonio historic district;~~

~~C. Buildings, objects or structures which constitute a particular or unique example of an architectural type or historic period;~~

~~D. Architectural curiosities, one of a kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by or internationally known architects or master builders and important works by minor ones; and~~

~~E. Resources associated with family persons important to the history of San Antonio.~~

~~(2) For Cultural Resources.~~

~~A. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty five (25) years;~~

~~B. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;~~

~~C. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;~~

~~D. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period; and~~

~~E. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines.~~

~~(3) Significant to the Environment of the City.~~

~~A. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;~~

~~B. Unrelated structures that represent a historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;~~

~~C. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location;~~

~~D. Resources that contribute significantly to the historic character of the scene, reinforcing the architectural value of a more important structure or resource;~~

~~E. Resources and structures which establish a neighborhood identity by creating a continuity within a area by reinforcing a cluster or significant buildings or the river scene; and~~

~~F. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.~~

(b) Criteria For Evaluation.

1. Its value as a visible or archeological reminder of the cultural heritage of the community, or national event;
2. Its location as a site of a significant local, county, state, or national event;
3. Its identification with a person or persons who significantly contributed to the development of the community, county, state, or nation;
4. Its identification as the work of a master builder, designer, architect, or landscape architect whose individual work has influenced the development of the community, county, state, or nation;
5. Its embodiment of distinguishing characteristics of an architectural style valuable for the study of a period, type, method of construction, or use of indigenous materials;
6. Its historical, architectural or cultural character as a particularly fine or unique example of a utilitarian structure, including, but not limited to, bridges, acequias, gas stations, transportation shelters, or other commercial structures;
7. Its unique location or singular physical characteristics that make it an established or familiar visual feature;
8. Its historical, architectural, or cultural integrity of location, design, materials, and workmanship;
9. Its character as a geographically definable area possessing a significant concentration, linkage, or continuity of historically, architecturally or culturally significant sites, buildings, objects or structures united by past events or aesthetically by plan or physical development;
10. Its character as an established and geographically definable neighborhood, united by culture, architectural style or physical plan and development.
11. It is distinctive in character, interest or value; strongly exemplifies the cultural, economic, social, ethnic or historical heritage of San Antonio, Texas or the United States;
12. It is an important example of a particular architectural type or specimen;

13. It bears an important and significant relationship to other distinctive structures, sites, or areas, either as an important collection of properties or architectural style or craftsmanship with few intrusions, or by contributing to the overall character of the area according to the plan based on architectural, historic or cultural motif;
14. It possesses significant archeological value that has produced or is likely to produce data affecting theories of historic or prehistoric interest;
15. It represents a resource, whether natural or man-made, which greatly contributes to the character or image of a defined neighborhood or community area; or
16. It is designated as a Recorded Texas Historic Landmark or State Archeological Landmark, or is included on the National Register of Historic Places.

Properties Eligible for Designation include the types of properties listed below:

1. Buildings or places which have come to represent a part of San Antonio's cultural heritage for at least twenty-five (25) years;
2. Architectural curiosities, one-of-a-kind buildings and notable examples of architectural styles and periods or methods of construction, particularly local or regional types and buildings by internationally known architects or master builders and important works by minor ones;
3. Properties that are part of a cluster which provide a specific representation of an architectural or historic era or event;
4. Parks, plazas, bridges, streets, walkways, acequias, vistas and objects that have special cultural, historic or architectural significance, including studios of artists, writers or musicians during years of significant activity;
5. Institutions that provide evidence of the cultural history of San Antonio (churches, universities, art centers, theaters and entertainment halls) as well as stores, businesses and other properties that provide a physical record of the experience of particular ethnic groups;
6. Markets and commercial structures or blocks which are important to the cultural life of San Antonio and groups of buildings, structures and/or sites representative of, or associated with particular social, ethnic or economic groups during a particular period;

7. Archaeological sites of cultural importance to local people or social or ethnic groups, such as locations of important events in their history, historic or prehistoric cemeteries, battlefields or shrines;
8. Buildings that physically and spatially comprise a specific historical or architectural environment or clusters of historically, architecturally, or culturally related buildings that represent the standards and tastes of a specific segment of a community or neighborhood;
9. Unrelated structures that represent a historical or cultural progression or various styles and functions, or cohesive townscapes or streetscapes that possess an identity of place;
10. Objects such as fountains, clocks, markers, sculpture, bridges, and acequias which are important to the historical and cultural life of the city and related to a specific location; or
11. Walkways, setbacks, open grass or landscaped areas along the San Antonio River, including special vistas associated throughout city development patterns in and near plazas, parks and riverbanks.

Amendment - 5

Sec. 35-608. ~~Criteria for Certificate of Appropriateness~~ and Conceptual Approval - Generally.

(a) In reviewing an application for a certificate of appropriateness, the historic and design review commission shall consider the current needs of the property owner. The historic and design review commission shall also consider whether the plans will be reasonable for the property owner to carry out. Where city council has adopted specific design guidelines for the district, no application shall be recommended for approval, or approved, unless the proposed application is consistent with the design guidelines. Proposed developments shall comply with the design guidelines in addition to the criteria set forth throughout this chapter; provided, however, to the extent that there is any inconsistency between a provision of section 35-608 to 35-613 and a design guideline, the design guidelines shall control. If no design guidelines have been adopted for a historic district, the proposed development shall conform to the criteria set forth in sections 35-608 to 35-613 of this chapter.

(b) Conceptual approval is the review of general design ideas and principles (such as scale and setback). Specific design details reviewed at this stage are not binding and may only be approved through a certificate of appropriateness for final approval.

Amendment - 6

Sec. 35-609. Criteria for Certificate of Appropriateness - New construction.

In considering whether to recommend approval or disapproval of an application for a certificate for new construction ~~in a historic district~~, the historic and design review commission shall be guided by the National Park Service (NPS) Guidelines, ~~and~~ by the compatibility standards set forth below, and any district specific guidelines adopted pursuant to the Unified Development Code and this article. In making recommendations affecting new buildings or structures which will have more than one (1) important facade, such as those which will face both a street and the San Antonio River, the historic and design review commission shall consider the visual compatibility standards below with respect to each facade as well as the visual impact on nearby historic resources.

Amendment - 7

Sec. 35-610. Certificate of Appropriateness - Alteration, Restoration, and Rehabilitation.

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the Secretary of the Interior's Standards and Guidelines for Archeology and Historic Preservation in addition to any specific design guidelines ~~included in this subdivision~~, adopted pursuant to the unified development code and this article. Non-public interior spaces are exempt from the authority of this Section. The only interior spaces to be considered for review and therefore not exempt, are those publicly owned spaces that are, or were, accessible to the public (lobbies, corridors, rotundas, meeting halls, courtrooms), and those spaces, both public and privately owned, that are individually designated and are important to the public because of any significant historical, architectural, cultural or ceremonial value.

Amendment - 8

Sec. 35-611. ~~Ordinary Repair and Maintenance;~~ Certificate of Appropriateness - Administrative Approval.

~~Those activities which constitute ordinary repair and maintenance include but are not restricted to:~~

- ~~(a) Repair using the same material and design as the original;~~
- ~~(b) Repainting, using the same color;~~
- ~~(c) Reroofing, using the same type and color of material; and~~
- ~~(d) Repair of sidewalks and driveways using the same type and color of materials.~~

Applications for certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the Historic Preservation Officer without review by the Historic and Design Review Commission. Those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to:

Ordinary Repair and Maintenance

- a) repair using the same material and design as the original and does not require structural modifications
- b) repainting, using the same color
- c) reroofing, using the same type and color of material
- d) repair of sidewalks and driveways using the same type and color of materials

Exterior Alterations

Doors/Entrances

- a) from non-historic to one in keeping with the character and era in which the home was built
- b) removal of burglar bars
- c) repair or slight modification to exterior steps or stairways using in-kind material
- d) reopening of porch with proper photo documentation or physical evidence

Windows

- a) removal of non-historic windows to replace with windows that match the original windows as closely as possible in material and design
- b) restoring original window openings with documentation
- c) removal of residential metal awnings
- d) repairing window framing
- e) removing inappropriate exterior shutters that are not of historic age
- f) louvers and venting in which the vents or louvers are placed in an existing opening, in which there is no change in the configuration of the fenestration and the only modification to the building is the removal of glazing panels
- g) removal of burglar bars

Siding

- a) removing non-historic siding in order to unencapsulate historic siding materials

Roofing

- a) removal of composite roof shingles and replacing with clay tiles with documentation
- b) removal of composite roof shingles and replacing with metal roofing material with documentation and specifications
- c) changing color of composite roofing material
- d) changing color of existing metal roof with appropriate specifications and details

Additions

- a) any rear addition under 200 Sq. Ft. using same (Non-Historic) material as existing structure as well as existing roof ridgeline for non-contributing structures; must include plans with specification

Painting

- a) reasonable changes to paint colors on previously painted surfaces which are consistent with the district or landmark characteristics.
- b)
- c) paint removal/pressure water washing/graffiti removal

Landscaping

- a) replacing paved areas with sod or other landscaping
- b) 50% or less square feet of front yard replacement
- c) sprinkler system with site map
- d) back yard landscaping
- e) removal of existing landscaping or sod areas and replacing with xeriscaping where not removing character defining landscaping elements
- f) new plantings in keeping with the character of neighborhood

Hardscaping with site map and specifications

- a) parking pads under 144 square feet
- b) sidewalks residential/commercial with contextually appropriate placement (such as a traditional planting strip)
- c) driveway construction if less than 12 feet in width and consistent with guidelines
- d) parking with appropriate landscaping (non-historic properties)

Fencing

- a) removal of chain, link, plywood, or vinyl and replacing with wood, wrought iron, garden loop, or masonry
- b) replacing or recreating any fence or handrail with historic document

- c) installing or constructing a fence, railing, or wall where none exists (sides and rear only behind front façade plane of historic structure) with appropriate materials

Signage

- a) changes in content or configuration (re-facing) that do not involve changes in sign location, dimensions, lighting or total sign area
- b) signs that are consistent with HDRC approved master signage plans
- c) temporary banners or signs where allowed by this Article
- d) signs that comply with UDC Sections 35-678, 35-612, 35-681 or 35-645, and have a square footage equal to or less than the requirements outlined. Signage applications above the allowable square footage shall be forwarded to the historic and design review commission for their recommendation.

New Construction

- a) rear ADA ramps
- b) rear porch
- c) rear deck
- d) swimming pools, fountains in back yard

Demolition

- a) non-historic accessory structure that is made of non-historic materials
- b) non-historic additions that are made of non-historic materials
- c) reopen enclosed porch
- d) carports that are made of non-historic materials
- e) non-contributing structures located in historic district that are made of non-historic materials

Miscellaneous

- a) reasonable changes in color to awning fabric that are consistent with the district or landmark characteristics
- b) renewal of expired Certificates of Appropriateness
- c) removal of any prohibited element described in City Code
- d) minor changes to existing Certificates of Appropriateness
- e) emergency installation of temporary features to protect a historic resource or to weatherize or stabilize
- f) foundation
- g) mechanical units
- h) exterior electrical
- i) exterior plumbing
- j) exterior electrical fixtures
- k) antennas
- l) glass replacement
- m) dumpsters with screening
- n) lighting

- o) rooftop HVAC, mechanical or communication equipment that is not visible from the public right-of-way and results in no modifications to the visible facades of the building

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application. Site plan and specifications may be required as needed for adequate administrative review as determined by the Historic Preservation Officer.

Amendment - 9

Sec. 35-612. Signs and Billboards.

(a) General Provisions.

(1) All signage within a historic district or on a designated historic landmark shall conform to all city codes and must have approval of the historic and design review commission prior to installation unless the application is for an administrative certificate of appropriateness. Permits must be obtained following the historic and design review commission's ~~approval recommendation for approval of a certificate application and recommendation to the office of historic preservation.~~

(2) Signs should respect and respond to the historic character and period being preserved.

(3) Special consideration should be given to the character of the sign itself, and whether the proposed sign has inherently historic characteristics which may fall outside of the guidelines presented below but which would contribute to the historic district or landmark for which it is being proposed.

(b) Proportion of Signs. For all signage, signage width and height must be in proportion to the facade, respecting the size, scale and mass of the facade, building height, and rhythms and sizes of window and door openings.

(c) Number and Size of Signs.

(1) For buildings housing one (1) business or service with a public entrance to that business, one (1) major sign and (2) minor signs ~~per facade with a public entrance to that business on a single facade~~ shall be permitted in historic districts and on designated historic landmarks. A facade shall be considered the entire area of a building elevation extending from the roof or parapet to the ground and from one corner of the building to another including the entire building walls, recessed, wall faces,

parapets, fascia, windows, doors, canopy, and all other components that make one (1) complete architectural elevation.

(2) For buildings housing more than one (1) business or service, the historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet. The applicant is strongly advised to coordinate his signage plan with signage plans of other building tenants. It is also recommended that the building owner or his agent develop a master signage plan or signage guidelines for the total building or property.

(3) For buildings located in a historic district and for all designated landmarks, the total area of signage shall not exceed thirty six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed fifty (50) square feet per building. Proposed signage shall be in proportion to the facade it shall be placed on, however, in cases where the applicant clearly demonstrates a need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve recommend approval of additional signage. This provision does not apply to districts and landmarks in River Improvement Overlay districts, which shall be guided by 35-678.

(4) For all buildings in a historic district and for all designated landmarks, signs are allowed only for those occupancies that have a separate and distinct public entrance. ~~Signs are allowed only on those building facades (as described in subsection 35-612(c)(1) with a public entrance to the business. Total signage allowances are per facade (as described in subsection 35-612(c)(10)) only. Signage allowances cannot be transferred from one facade (as described in subsection 35-612(c)(1)) to another.~~

(5) The sign area shall be determined in the following manner:

A. Sign Areas. The area of a sign shall be computed on the actual area of the sign. Included in the actual area shall be any open space which gives definition to the sign including the shape of any writing, object, representations, emblems, or the displays. Any border which forms an integral part of the background of the display, or differentiates the sign from the backdrop or structure against which it is placed should also be included in the actual area. The computation of sign area shall not include any structure, bracing, or wall that is necessary to support the sign.

B. Three-Dimensional Signs. For three-dimensional signs and objects, the sign area is the rectangle within which the largest two-dimensional projection (silhouette) of the object that can be enclosed.

C. Channel Letter Signs. For channel letter signs, the sign area shall be the smallest rectangle that will encompass the limits of the writing, including spaces between the letters. Each advertising message shall be considered separately.

(d) Prohibited Signs.

- (1) Billboards, junior billboards, portable signs, advertising benches and sandwich boards shall not be permitted within historic districts or on historic landmarks;
- (2) Any sign placed upon a building, object, site, or structure in any manner so as to disfigure, damage, or conceal any window opening, door, or significant architectural feature or detail of any building;
- (3) Any sign which advertises commercial off-premises businesses, products, activities, services, or events;
- (4) Any sign which does not identify a business or service within the historic district or historic landmark;
- (5) Any sign which is abandoned, as defined by Chapter 28 of the city code, ~~for more than six (6) months~~ or damaged beyond fifty (50) percent of its replacement value, including parts of old or unused signs. All remnants such as supports, brackets and braces must also be removed;
- (6) Any attachment to an already affixed sign which does not meet the provisions of the City Code;
- (7) Roof mounted signs, except in the cases of landmark signs or unless approved by the historic and design review commission in accordance with standards set forth in subsections (b) and (c) of this section. Historic roof mounted billboards may be resurfaced provided that the billboard was legally erected and is registered with the planning and development services department. The square footage of roof mounted signs would be included in the total allowable signage for the building;

(e) Incidental Signs. Allowable incidental signs, including, but not limited to, signs designating business hours, and street numbers, or the acceptance of certain forms of payment, shall be kept to a minimum and conform to standards outlined in this article. ~~and~~ However, such incidental signs shall not be included in the total allowable ~~per facade signage~~ per structure.

(f) Menu Boards. Menu boards shall not exceed three hundred sixty (360) square inches. Permanently displayed menus may be properly installed inside the business' window or in a historic and design review commission approved wall-mounted or freestanding display case adjacent to the business entrance. There may be no more than one (1) menu board per establishment. The name of the establishment may not be displayed on the menu board if the business has other signage installed on the premises. It is permissible for the name of the restaurant to be placed on the actual menu. The established logo of a business is considered a sign.

(g) Special Purpose Signs. All special purpose signs shall be ~~approved~~ reviewed by the historic and design review commission and shall be removed within thirty (30) days from the date of ~~historic and design review commission~~ approval unless otherwise specified ~~in the approval by the historic and design review commission.~~ If within the specified period the applicant feels there is a continued need for the

special purpose sign, they shall schedule a hearing with the historic and design review commission to request additional display time.

(n) Installation. Commercial signs, posters, decals or advertisements may not be tacked, nailed, pasted, painted or taped to any portion of a building, object, site or structure visible from the public right-of-way.

(o) Violations. In those instances where a sign is erected or maintained in violation of the aforementioned restrictions, the department of planning and development services shall notify the sign's owner, agent, operator, or lessee. If the owner, agent, operator, or lessee of the sign fails to remove the sign within three (3) days after notification, the Historic Preservation Officer may request that the department of planning and development services ~~may~~ file an action in municipal court as outlined in section 28-15. In addition, nothing herein shall prevent the city attorney from seeking civil remedies.

(p) Standards for Sign Design and Placement. In considering whether to recommend approval or disapproval of an application for a permit to construct or alter signage on a building, object, site, or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the following standards in addition to any specific design guidelines included within this subdivision.

(1) Primary sign design considerations shall be identification and legibility. Size, scale, height, color and location of signs shall be harmonious with, and properly related to, the overall historic characteristic of the district and structure.

(2) Signs, visual displays or graphics shall either relate to the historic district or advertise a bonafide business conducted in or on the premises.

(3) The number of signs on each building shall be kept to a minimum to prevent unsightly clutter and confusion. All signs, excluding incidental and special purpose signs, shall be included in the total allowable signage ~~per facade per structure~~. In buildings housing more than one (1) business, the historic and design review commission may recommend directory signage. In the cases of signs with more than one (1) sign face, including but not restricted to double-faced signs, back-to-back signs, overhanging signs, and projecting signs, each side of the sign shall be included in total allowable signage area.

(8) Any legally erected sign which, by reason of revisions to this chapter, no longer complies with its provisions shall be awarded nonconforming status upon review of all necessary city departments.

Amendment - 10

Sec. 35-613. Relocation of a Landmark or Property Located in a Historic District.

(a) In considering whether to recommend approval or disapproval of a certificate application to relocate a building, object or structure designated a historic landmark or located in a historic district, the historic and design review commission shall be guided by the following considerations:

- ~~(a)~~ (1) The historic character and aesthetic interest the building, structure or object contributes to its present setting;
- ~~(b)~~ (2) Whether there are definite plans for the area to be vacated and what the effect of those plans on the character of the surrounding area will be;
- ~~(c)~~ (3) Whether the building, structure, or object can be moved without significant damage to its physical integrity;
- ~~(d)~~ (4) Whether the proposed relocation area is compatible with the historical and architectural character of the building, object, or structure.
- (5) Balancing the contribution of the property to the character of the historic district with the special merit of the application.

(b) Should an application to relocate a building, object or structure be approved, the Historic Preservation Officer shall ensure that the new location is already zoned historic or shall review whether such location should be designated.

(c) The historic preservation officer may approve applications for relocation for properties deemed noncontributing to the historic character of a Historic District.

Amendment - 11

Sec. 35-614. Demolition.

Demolition of a historic landmark constitutes an irreplaceable loss to the quality and character of the City of San Antonio. Accordingly, these procedures provide criteria to prevent unnecessary damage to the quality and character of the city's historic districts and character while, at the same time, balancing these interests against the property rights of landowners.

(a) Applicability. The provisions of this section apply to any application for demolition of a historic landmark (including those previously designated as Historic Exceptional or Historic Significant) or a historic district.

~~(1) Exceptional Historic Landmark. No certificate shall be issued for demolition of an exceptional historic landmark unless the applicant demonstrates to the satisfaction of the historic and design review commission clear and convincing evidence that an unreasonable economic hardship would be imposed on the applicant if the application for a certificate is disapproved.~~

~~(2) Significant Historic Landmark. No certificate shall be issued for demolition of a significant historic landmark unless the applicant demonstrates to the satisfaction of the historic and design review commission a preponderance of clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When~~
In the case of a historic landmark, if an applicant fails to prove unreasonable economic hardship in the case of a significant historic landmark, the applicant may provide to the historic and design review commission additional information which may show unusual and compelling circumstances regarding loss of significance as provided is subsection (c) (3) in order to receive a historic and design review commission recommendation for a certificate for demolition of the significant historic landmark.

~~(3) (2) Entire Historic District. If the applicant wishes to demolish an entire designated historic district, he has to provide to the satisfaction of the historic and design review commission, clear and convincing evidence of economic hardship on the applicant if the application for a certificate is to be approved.~~

~~(4) (3) Property Located in Historic District and Contributing to District Although Not Designated a Landmark. No certificate shall be issued for property located in a historic district and contributing to the district although not designated a landmark unless the applicant demonstrates to the satisfaction of the historic and design review commission a preponderance of clear and convincing evidence supporting an unreasonable economic hardship on the applicant if the application for a certificate is disapproved. When an applicant fails to prove unreasonable economic hardship in such cases, the applicant may provide to the historic and design review commission additional information which may show unusual and compelling circumstances regarding loss of significance as provided is subsection (c) (3) in order to receive a historic and design review commission recommendation for a certificate for demolition of the property.~~

(b) Unreasonable Economic Hardship.

(1) Generally. The historic and design review commission shall be guided in its decision by balancing the historic, architectural, cultural and/or archaeological value of the particular landmark or eligible landmark against the special merit of the proposed replacement project. The Historic and Design Review Commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

(2) Burden of Proof. ~~When a claim of unreasonable economic hardship is made due to the effect of this article, the owner must prove that he cannot realize a reasonable rate of return upon the value of his property. The Historic and Design Review Commission shall not consider or be persuaded to find unreasonable economic hardship based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate). When a claim of unreasonable economic hardship is made, the owner must prove by a preponderance of the evidence that:~~

A. ~~The owner cannot make reasonable beneficial use of or realize a reasonable rate of return on a structure or site, regardless of whether that return represents the most profitable return possible, unless the highly significant endangered, historic and cultural landmark, historic and cultural landmarks district or demolition delay designation, as applicable, is removed or the proposed demolition or relocation is allowed;~~

B. ~~The structure and property cannot be reasonably adapted for any other feasible use, whether by the current owner or by a purchaser, which would result in a reasonable rate of return; and~~

C. ~~The owner has failed to find a purchaser or tenant for the property during the previous two years, despite having made substantial ongoing efforts during that period to do so. The evidence of unreasonable economic hardship introduced by the owner may, where applicable, include proof that the owner's affirmative obligations to maintain the structure or property make it impossible for the owner to realize a reasonable rate of return on the structure or property.~~

(3) Criteria. The public benefits obtained from retaining the cultural resource must be analyzed and duly considered by the historic and design review commission. ~~The historic and design review commission shall apply the test utilized by the Supreme Court of Texas in construing Article I, Section 17 of the Constitution of the State of Texas, 1876, as amended, in determining the existence of an unreasonable economic hardship. The owner shall submit, by affidavit to the historic preservation officer for transmittal to a constituted committee of the historic and design review commission for evaluation and recommendation to the full historic and design review commission, at least the following information:~~

A. ~~The assessed value of the land and improvements thereon according to the two (2) most recent assessments, including any appeal adjusting value temporarily;~~

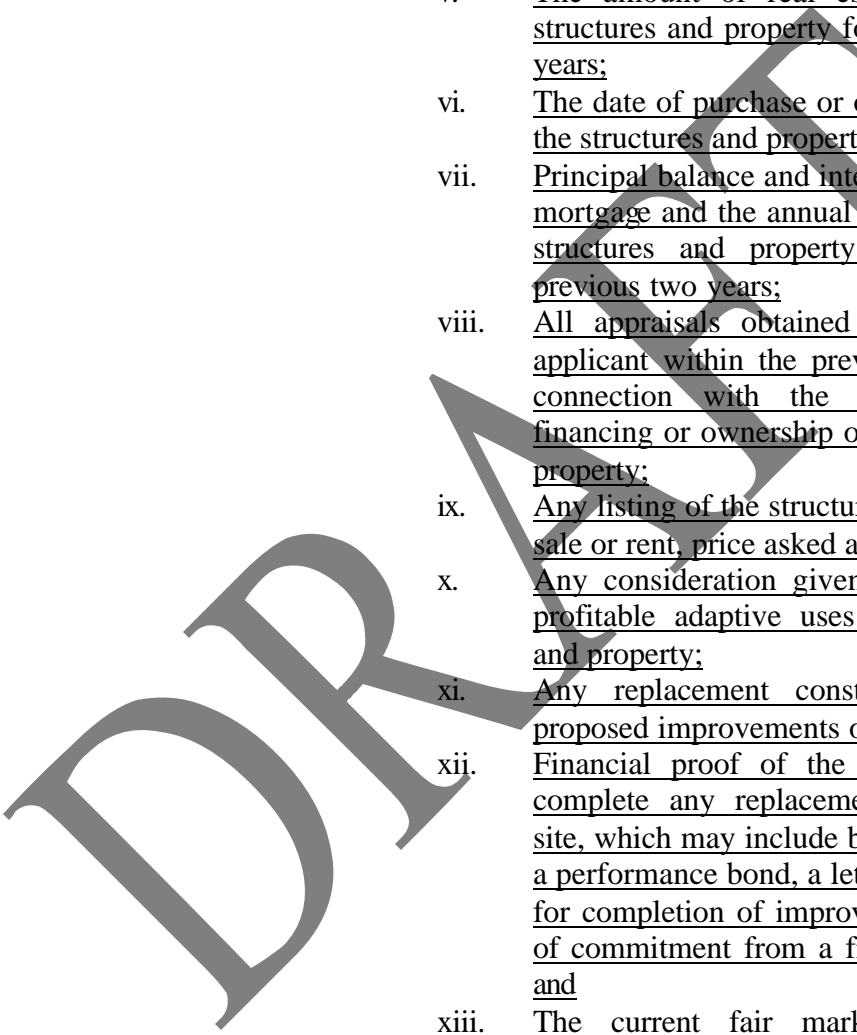
- ~~B. Real estate taxes for the previous five (5) years;~~
- ~~C. The date of purchase of the property or other means of acquisition of title, such as by gift or inheritance, and the party from whom purchased or otherwise acquired;~~
- ~~D. Annual debt service, if any, for the previous five (5) years;~~
- ~~E. All appraisals obtained within the previous five (5) years by the owner or applicant in connection with his purchase, financing or ownership of the property;~~
- ~~F. Any listing of the property for sale or rent, price asked and offers received; if any;~~
- ~~G. Any consideration by the owner as to profitable adaptive uses for the property;~~
- ~~H. Replacement construction plans for the landmark in question;~~
- ~~I. Financial proof of the ability to complete the replacement project which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution;~~
- ~~J. The current fair market value of the property, as determined by at least two (2) independent appraisals made by appraisers with competent credentials.~~
- ~~K. In the event that any of the required information is not reasonably available to the applicant and cannot be obtained by the applicant, the applicant shall file with his affidavit a statement of the information which cannot be obtained and shall describe the reasons why such information cannot be obtained.~~

~~(4) Additional Criteria for Income Producing Properties. In addition, if the property is income producing:~~

- ~~A. Annual gross income from the property for the previous five (5) years;~~
- ~~B. Itemized operating and maintenance expenses for the previous five (5) years, including proof that adequate and competent management procedures were followed;~~
- ~~C. Annual cash flow, if any, for the previous five (5) years; and~~
- ~~D. Proof that efforts have been made by the owner to obtain a reasonable return on his investment based on previous service.~~

As evidence that an unreasonable economic hardship exists, the owner may submit the following information to the Historic and Design Review Commission by affidavit:

- A. For all structures and property:

- 
- i. The past and current use of the structures and property;
 - ii. The name and legal status (e.g., partnership, corporation) of the owners;
 - iii. The original purchase price of the structures and property;
 - iv. The assessed value of the structures and property according to the two most recent tax assessments;
 - v. The amount of real estate taxes on the structures and property for the previous two years;
 - vi. The date of purchase or other acquisition of the structures and property;
 - vii. Principal balance and interest rate on current mortgage and the annual debt service on the structures and property, if any, for the previous two years;
 - viii. All appraisals obtained by the owner or applicant within the previous two years in connection with the owner's purchase, financing or ownership of the structures and property;
 - ix. Any listing of the structures and property for sale or rent, price asked and offers received;
 - x. Any consideration given by the owner to profitable adaptive uses for the structures and property;
 - xi. Any replacement construction plans for proposed improvements on the site;
 - xii. Financial proof of the owner's ability to complete any replacement project on the site, which may include but not be limited to a performance bond, a letter of credit, a trust for completion of improvements, or a letter of commitment from a financial institution; and
 - xiii. The current fair market value of the structure and property as determined by a qualified appraiser.
 - xiv. Any property tax exemptions claimed in the past five years.

B. For income producing structures and property:

- i. Annual gross income from the structure and property for the previous two years;

- ii. Itemized operating and maintenance expenses for the previous two years; and
- iii. Annual cash flow, if any, for the previous two years.

C. In the event that the Historic and Design Review Commission determines that any additional information described above is necessary in order to evaluate whether an unreasonable economic hardship exists, the Historic and Design Review Commission shall notify the owner. Failure by the owner to submit such information to the Historic and Design Review Commission within 15 days after receipt of such notice, which time may be extended by the Historic and Design Review Commission, may be grounds for denial of the owner's claim of unreasonable economic hardship.

~~(5) Low Income Homeowners.~~ When a low-income resident homeowner is unable to meet the requirements set forth in this section, then the historic and design review commission, at its own discretion, may waive some or all of the ~~required~~ requested information and/or request substitute information that an indigent resident homeowner may obtain without incurring any costs. If the historic and design review commission cannot make a determination based on information submitted and an appraisal has not been provided, then the historic and design review commission ~~shall~~ may request that an appraisal be made by the city.

~~(c) Unusual and Compelling Circumstances and Demolition of a Significant Historic Landmark.~~ Loss of Significance. When an applicant fails to prove unreasonable economic hardship ~~in the case of a significant historic landmark,~~ the applicant may provide to the historic and design review commission additional information which may show a loss of significance in regards to the subject of the application in order to receive historic and design review commission recommendation of approval of the certificate ~~as to the demolition of the significant historic landmark.~~ The historic and design review commission, ~~using criteria set forth in this article,~~ shall determine whether unusual and compelling circumstances exist and shall be guided in its recommendation in such instances by the following additional considerations:

- ~~(1) The historic or architectural significance of the building, object, site, or structure;~~
- ~~(2) The importance of the building, object, site, or structure to the integrity and character of a historic district;~~

- ~~(3) The importance of the building, object, site, or structure as part of a cluster within the historic district;~~
- ~~(4) The difficulty or the impossibility of reproducing such a building, object, site, or structure because of its design, texture, material, detail, or unique location;~~
- ~~(5) Whether the building, object, site, or structure is one (1) of the last remaining examples of its kind in the neighborhood, the city, county, region, state, or nation;~~
- ~~(6) Whether there are definite plans for reuse of the property if the proposed demolition is carried out, and what effect such plans will have on the architectural, cultural, historical, archaeological, social, aesthetic, or environmental character of the surrounding area as outlined in subsection 35-803(b) of this chapter as well as the economic impact of the new development;~~
- ~~(7) Whether reasonable measures can be taken to save the building, object, site, structure, or cluster from further deterioration, collapse, arson, vandalism or neglect; and~~
- ~~(8) Whether reasonable measures can be taken to relocate the building, object, structure to a new site.~~

If, based on the evidence presented, the historic and design review commission finds that the structure or property is no longer historically, culturally, architecturally or archeologically significant it may make a recommendation for approval of the demolition. In making this determination, the historic and design review commission must find that the owner has established by a preponderance of the evidence that the structure or property has undergone significant and irreversible changes which have caused it to lose the historic, cultural, architectural or archeological significance, qualities or features which qualified the structure or property for such designation. Additionally, the historic and design review commission must find that such changes were not caused either directly or indirectly by the owner, and were not due to intentional or negligent destruction or a lack of maintenance rising to the level of a demolition by neglect.

The Historic and Design Review Commission shall not consider or be persuaded to find loss of significance based on the presentation of circumstances or items that are not unique to the property in question (i.e. the current economic climate).

For property located within a historic district, the historic and design review commission shall be guided in its decision by balancing the contribution of the property to the character of the historic district with the special merit of the proposed replacement project.

(d) Documentation and Strategy.

(1) Applicants that have received a recommendation for a certificate shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the historic preservation officer.

(2) Applicants shall also prepare for the historic preservation officer a salvage strategy for reuse of building materials deemed valuable by the historic preservation officer for other preservation and restoration activities.

(3) Applicants that have received an approval of a certificate regarding demolition shall be permitted to receive a demolition permit without additional commission action on demolition, following the commission's recommendation of a certificate for new construction. Permits for demolition and construction shall be issued simultaneously if requirements of section 35-609, new construction, are met, and the property owner provides financial proof of his ability to complete the project.

(4) When the commission recommends approval of a certificate for buildings, objects, sites, ~~or~~ structures designated as landmarks, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Permits for parking lots shall not be issued, nor shall an applicant be allowed to operate a parking lot on such property, unless such parking lot plan was approved as a replacement element for the demolished object or structure.

(e) Issuance of Permit. When the commission recommends approval of a certificate regarding demolition of buildings, objects, sites, or structures in historic districts, permits shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies. Once the replacement plans are approved a fee shall be assessed for the demolition based on the approved replacement plan square footage. The fee must be paid in full prior to issuance of any permits. Fees shall be as follows and are in addition to any fees charged by Planning and Development Services:

0 – 2500 square feet = \$2000.00
2501 – 10,000 square feet = \$5000.00
10,001 – 25,000 square feet = \$10,000.00
25,001 – 50,000 square feet = \$20,000.00
Over 50,000 square feet = \$30,000.00

(f) The historic preservation officer may approve applications for demolition permits for non-contributing minor outbuildings within a Historic District such as carports, detached garages, sheds, and greenhouses determined by the historic preservation officer to not possess historical or architectural significance either as a stand-alone building or structure, or as part of a complex of buildings or structures on the site.

Amendment - 12

Sec. 35-615. Prevention of Demolition by Neglect.

~~(a) Applicability. All historic landmarks and all buildings, objects, sites, and structures found to have historical significance or located in a historic district shall be preserved against decay and deterioration and kept free from certain structural defects by the owner thereof or such other person or persons who may have legal custody and control thereof. The owner or other person having such legal custody and control, in keeping with the city's minimum housing standards, shall repair such building, object, site, or structure if it is found to have any of the following defects:~~

~~(1) Deteriorated or Inadequate Foundation. Defective or deteriorated flooring or floor supports or flooring or floor supports of insufficient size to carry imposed loads with safety;~~

~~(2) Members of Walls. Members of walls, partitions or other vertical supports that split, lean, list or buckle due to defective material or deterioration. Members of walls, partitions or other vertical supports that are of insufficient size to carry imposed loads with safety;~~

~~(3) Members of Ceilings/Roofs. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective materials or deterioration. Members of ceilings, roofs, ceiling and roof supports or other horizontal members that are of insufficient size to carry imposed loads with safety;~~

~~(4) Fireplaces/Chimneys. Fireplaces or chimneys which list, bulge or settle due to defective material or deterioration. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;~~

~~(5) Weather Protection. Deteriorated or ineffective waterproofing of exterior walls, roofs, foundations or floors, including broken windows or doors. Defective protection or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other protective covering. Any fault or defect in the building which renders same structurally unsafe or not properly watertight.~~

In keeping with the city's minimum housing standards, the owner, or other person having legal custody and control of a designated historic landmark or structure in

a local historic district shall preserve the historic landmark or structure against decay and deterioration and shall keep it free from any of the following defects:

(1) Parts which are improperly or inadequately attached so that they may fall and injure persons or property;

(2) Deteriorated or inadequate foundation;

(3) Defective or deteriorated floor supports or floor supports that are insufficient to carry the loads imposed safely;

(4) Walls, partitions, or other vertical supports that split, lean, list, or buckle due to defect or deterioration or are insufficient to carry the loads imposed safely;

(5) Ceilings, roofs, ceiling or roof supports, or other horizontal members which sag, split, or buckle due to defect or deterioration or are insufficient to support the loads imposed safely;

(6) Fireplaces and chimneys which list, bulge, or settle due to defect or deterioration or are of insufficient size or strength to carry the loads imposed safely;

(7) Deteriorated, crumbling, or loose exterior stucco or mortar, rock, brick, or siding;

(8) Broken, missing, or rotted roofing materials or roof components, window glass, sashes, or frames, or exterior doors or door frames; or

(9) Any fault, defect, or condition in the structure which renders it structurally unsafe or not properly watertight.

(b) Compliance With Housing Codes. The owner or other person having legal custody and control of a designated historic landmark or structure in a local historic district shall, in keeping with the city's minimum housing standards, repair the landmark or structure if it is found to have any of the defects listed in Subsection (a) of this section. In addition, the owner or other person having legal custody and control of a historic landmark or a building, object, site, or structure located in a historic district shall keep all property, including vacant property, clear of all weeds, fallen trees or limbs, debris, abandoned vehicles, and all other refuse as specified under the city's minimum housing codes and ordinances.

(c) Enforcement.

(1) The historic preservation officer and the historic and design review commission are authorized to work with a property owner

to encourage maintenance and stabilization of the structure and identify resources available before taking enforcement action under this section.

(2) The historic and design review commission, on its own initiative, or the Historic Preservation Officer may file a petition with ~~the director of code compliance~~ requesting that ~~he~~ the city proceed under the public safety and housing ordinance to require correction of defects or repairs to any structure covered by subsection (a) above so that such structure shall be preserved and protected in accordance with the purposes of this article and the public safety and housing ordinance.

~~(2)~~ (3) Penalties.

(i) A person may not violate a requirement of this article. Pursuant to Section 214.0015 (Additional Authority Regarding Substandard Buildings) of the Texas Local Government Code, a person who violates a requirement of this article commits a civil offense, and is civilly liable to the city of San Antonio in an amount not to exceed \$1,000 per day for each violation or an amount not to exceed \$10 per day for each violation if the property is the owner's lawful homestead. The city of San Antonio may by order assess and recover any such civil penalties against a property owner at the time of an administrative hearing regarding the violations provided the property owner was notified of the requirements of the ordinance and the owner's need to comply with the requirements and, after notification, the property owner committed an act in violation of the ordinance or failed to take an action necessary for compliance with the ordinance. The city clerk shall file with the district clerk of Bexar County a certified copy of any order issued under this subsection stating the amount and duration of the penalty.

(ii) A person who violates this article commits an offense. An offense under this article is a Class C misdemeanor punishable as provided in the municipal ordinances of San Antonio.

(iii) An action to enforce the requirements of this article may include injunctive relief and may be joined with enforcement of all applicable city codes.

(iv) If any building, object, site or structure covered by this subdivision shall have to be demolished as a public safety hazard and the owner thereof shall have received two (2) or more notices from the director of code compliance of

building neglect in violation of this and other city ordinances, no application for a permit for a project on the property may be considered for a period of ~~two (2)~~ five (5) years from the date of demolition of the structure. Additionally, no permit for a curb cut needed for the operation of surface parking lot shall be granted by a city office during this period, nor shall a parking lot for vehicles be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition.

Amendment - 13

Sec. 35-617. Public Safety Hazards and Emergency Securing Measures.

(a) No structure designated a landmark or located within a historic district may be demolished in whole or in part as a hazard to public safety until the historic preservation officer has been notified by the appropriate municipal official that an order for such demolition is being prepared, and ~~the historic and design review commission~~ Historic Preservation Officer has had an opportunity to discuss with city officials the feasibility of emergency measures to secure the structure in such a manner as to preclude the possibility of injury to the public.

(b) ~~After~~ If emergency measures are undertaken, the city historic preservation officer shall meet with the municipal officials wishing to issue the order for demolition to review the condition of the structure and the development of plans for its rehabilitation. If after one (1) month no feasible scheme for the further protection of the structure has been developed, the historic and design review commission shall make a recommendation for an order for demolition. When applicable, a recommendation about the feasibility of rehabilitation shall be made by the historic and design review commission based upon a report from the city historic preservation officer and after consultation with the city attorney's office.

Amendment - 14

Sec. 35-618. Tax Exemption Qualifications.

(a) Assessed Valuation. In accordance with the provisions of this article, a building, site, or structure which meets the definition of a historically significant site in need of tax relief to encourage preservation and which is substantially rehabilitated and/or restored as certified by the historic and design review commission and approved by the city tax assessor-collector,

shall have an assessed value for ad valorem taxation as follows regardless of ownership during the granted time period:

(1) A residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.

(2) A commercial property shall have no assessed value for ad valorem taxation for a period of five (5) tax years after verification. Thereafter, the exempt property shall be reappraised at current market value and assessed at a fifty (50) percent rate for an additional consecutive five-year period.

(3) A commercial property converted to a residential property shall have the assessed value for ad valorem taxation for a period of ten (10) tax years equal to the assessed value prior to preservation.

(b) Applicability. This exemption shall begin on the first day of the first tax year after verification of completion of the preservation required for certification; provided:

~~(1) The building shall comply with the applicable zoning regulations for its use and location; and~~

~~(2) The deed, grant, sale, bequest, devise or otherwise transfer of ownership in the property, except the donation of a historic easement on an exempt structure which donation shall qualify as a charitable contribution under section 170(f)(3) of the Internal Revenue Code and its regulations as now exist or as they may hereafter be amended, shall cause the exemption provided herein to terminate on the last day of the tax year on which such transfer occurs.~~

(c) Application. Application for a historic structure preservation tax exemption pursuant to this division is to be filed with the ~~historic and design review commission~~ Office of Historic Preservation. The ~~historic and design review commission~~ Historic Preservation Officer shall be the agent of the city for the purposes of administering this division provided that the Historic Preservation Officer request a recommendation from the Historic and Design Review Commission. Each application shall be signed and sworn to by the owner of the property and shall:

(1) State the legal description of the property proposed for certification;

(2) Include an affidavit by the owner describing the historic significance of the structure in need of tax relief;

(3) Include a final complete set of plans for the historic structure's restoration or rehabilitation;

(4) Include a statement of costs for the restoration or rehabilitation work;

(5) Include a projection of the estimated construction, time and predicted completion date of the historic restoration or rehabilitation;

(6) Authorize the members of the historic and design review commission, the city tax assessor-collector and city officials to visit and inspect the property proposed for certification and the records and books of the owners as necessary to certify that the property in question is in substantial need of restoration or rehabilitation;

(7) Include a detailed statement of the proposed use for the property; and

(8) Provide any additional information to the historic and design review commission which the owner deems relevant or useful such as the history of the structure or access to the structure by the public.

Each application shall contain sufficient documentation confirming or supporting the information submitted therein.

(d) Certification.

(1) Historic and Design Review Commission Certification. Upon receipt of the owner's sworn application, ~~together with a fee as specified in Appendix "C" of this chapter,~~ the historic and design review commission shall make an investigation of the property and shall certify the facts to the city tax assessor-collector within thirty (30) days along with the historic and design review commission's documentation for recommendation of either approval or disapproval of the application for exemption.

(2) Tax Assessor-Collector Approval. Upon receipt of the certified application for tax exemption as well as the recommendation of the historic and design review commission, the city's tax assessor-collector shall within thirty (30) days approve or disapprove eligibility of the property for tax relief pursuant to this division. In determining eligibility, the tax assessor-collector shall first determine that all the requirements of this division have been complied with and that only the historic structure and the land reasonably necessary for access and use thereof is to be provided favorable tax relief.

(e) Verification of Completion. ~~Ownership at the time of verification shall be the same as at the time of application.~~ Upon completion of the restoration and rehabilitation, together with a fee as specified in Appendix "C" of this chapter, the owner, who may not be the same as at the time of application, shall submit a sworn statement of completion acknowledging that the historically significant site in need of tax relief to encourage preservation has been substantially rehabilitated or restored as certified by the historic and design review commission. The historic and design review commission, upon receipt of the sworn statement of completion, but no later than thirty (30) days thereafter, shall make an investigation of the property and shall recommend approve or disapprove either approval or disapproval of the fact that the property has been substantially completed as required for certification. If the historic and design review commission ~~determines~~ recommends that it has not been substantially completed as so

required, then the certified applicant ~~shall~~ may be required by the Historic Preservation Officer to complete the restoration or rehabilitation in order to secure the tax exemption provided herein. If the verification of completion is favorable, the historic and design review commission shall recommend approval and the Historic Preservation Office may notify the tax assessor-collector in writing of compliance. Thereafter, the tax assessor-collector shall provide the property with the historic tax exemption.

(g) Eligibility.

(1) The tax exemption options outlined in subsection (f), above, will remain in effect unless terminated by ~~one (1) of the following:~~

~~A. Sale of the property; or~~

~~B. If designation status is being removed pursuant to subsection 35-606(g) of this article.~~

(2) An owner of a substantially rehabilitated historic residential property can choose between utilizing the three (3) tax exemptions outlined in subsections (a)(1), (f)(1), and (f)(3) (if after rehabilitation the property still qualifies as "residential" under the definition in Appendix "A" of this chapter) but can qualify for only one (1) of the three (3) rehabilitation tax exemptions for each substantial rehabilitation. ~~Once one (1) rehabilitation exemption is effective, neither of the others is ever available for that specific property.~~

(3) The tax exemption established in subsection (f)(2) of this section is still effective even if the property is receiving one (1) of the four (4) residential or commercial rehabilitation tax exemptions (subsections (a)(1), (a)(2), (f)(1), or (f)(3) of this section). Applicants may lose any tax exemptions granted in association with the property if any unauthorized demolitions, alterations, or relocation of the structure occurs without a proper certificate of appropriateness being issued beforehand, or if work fails to conform to the original scope of work submitted to the Office of Historic Preservation and approved during the certification process.

~~Secs. 35-619 to 35-629. Reserved~~

Sec. 35-619. Non-Contributing Structures.

Requests for determination of whether an object, building, structure or sign are contributing or non-contributing to a historic landmark or historic district shall be made on an application obtained from the historic preservation officer through the office of historic preservation. The historic preservation officer shall review the

application for completeness and shall make a determination whether the subject of the application is contributing or non-contributing within 30 days of deeming the application complete. The historic preservation officer may, at his or her discretion, present the form to the historic and design commission for their recommendation.

Secs. 35-620 to 35-629. Reserved

Amendment - 15

DIVISION 3. - ARCHAEOLOGICAL SITES AND CEMETERIES

For purposes of this division, the Historic Preservation Officer may consult with the City Archaeologist when evaluating or reviewing under any of the sections below.

Sec. 35-630. - Designated Archaeological Sites.

- (a) Designated archaeological sites shall be treated as any other exceptional or significant resource and shall be reviewed by the Historic Preservation Office, in consultation with the City Archaeologist and the historic and design review commission following the procedures set forth in sections 35-608 to 35-613 of this article.
- (b) Owners of property containing designated archaeological sites are encouraged to educate the citizens of San Antonio regarding archaeological components of the site and shall coordinate any efforts with the Office of Historic Preservation.

Amendment - 16

Sec. 35-631. - Inventoried Archaeological Sites.

- (f) Upon completion of a survey, owners of property containing inventoried archaeological sites are encouraged to educate the citizens of San Antonio regarding archaeological components of the site and shall coordinate any efforts with the Office of Historic Preservation.

Amendment - 17

Sec. 35-645. - Signs and Billboards.

(d) Special Purpose Signs. All special purpose signs shall be approved by the historic and design review commission require a certificate of appropriateness and shall be removed within thirty (30) days from the date of approval unless otherwise specified. If within the specified period the property owner feels there is a continued need for the special purpose sign, he shall request additional display time. Non-governmental banners, pennants and flags, excluding flags included as elements of an overall streetscape or design plan, are considered special purpose signs under the provisions of this chapter and are appropriate for advertising the event and for decoration only during special events or celebrations. No permanent advertising may be regulated in this way.

Amendment - 18

Sec. 35-673. Site Design Standards.

(d) Riverside Setbacks. Riverside setbacks for both buildings and accessory structures are established to reinforce the defined character of the specific river improvement overlay district and help to define an edge at the river pathway that is varied according to the relationship of the river and the street. In the more urban areas, buildings should align closer to the river edge, while in more rural areas the buildings should be set farther away.

(1) Setback requirements are per the following Table 673-1.

Table 673-1
TABLE INSET:

Description	RIO-1	RIO-2	RIO-3	RIO-4	RIO-5	RIO-6
Riverside Setback *	20 ft.	15 ft.	0 ft.	20 ft.	50 ft.	100 ft.

* Along the riverside, ~~the setback is measured from the inside edge of the riverside property line. If the property line is located below the top of bank, the setback will be measured from the top-of-bank.~~

(2) Designation of a development node district provides for a minimum ~~maximum~~ riverside setback of zero (0) feet.

(i) Street Furnishings. Street furnishings are exterior amenities, including but not limited to, tables, chairs, umbrellas, landscape pots, wait stations, valet stations, bicycle racks, planters, benches, bus shelters, kiosks, waste receptacles and similar items that help to define pedestrian use areas. Handcrafted street furnishings are particularly important in San Antonio, and therefore this tradition of craftsmanship and of providing street furniture is encouraged.

(1) Prohibited Street Furnishings in Riverwalk Area of ~~"RIO-2"~~ and ~~"RIO-3"~~. The following street furnishings are prohibited within the publicly owned portion of the river, whether or not the property is leased, and on the exterior of the riverside of buildings directly adjacent to the publicly owned portion of the river:

A. Vending machines.

B. Automatic teller machines.

C. Pay phones.

D. Photo booths.

E. Automated machines such as, but not limited to, penny crunching machines, blood pressure machines, fortune-telling machines, video games, animated characters and other machines that are internally illuminated, or have moving parts, or make noise, or have flashing lights.

F. Inanimate figures such as horses, kangaroos, bears, gorillas, mannequins or any such animal, cartoon or human figure. This section does not affect public art as defined in Appendix "A" of this chapter.

(2) Street Furnishing Materials.

A. Street furnishings shall be made of wood, metal, stone, terra cotta, cast stone, hand-sculpted concrete, or solid surfacing material, such as Corian or Surell.

B. Inexpensive plastic resin furnishings are prohibited in ~~"RIO-3"~~, but are permitted in all other districts.

(3) Advertising on Street Furnishings.

A. No commercial logos, trademarks, decals, product names whether specific or generic, or names of businesses and organizations shall be allowed on street furnishings ~~within "RIO 3".~~

B. Product or business advertising is prohibited on all street furnishings.

C. Notwithstanding the restrictions above, applications may be approved for purposes of donor or non-profit recognition.

Amendment - 19

Sec. 35-678. Signs and Billboards.

(a) General Provisions.

(1) All Signage Shall be Subject to Approval of the Historic and Design Review Commission. All signage within ~~"RIO 1", "RIO 2", "RIO 3", "RIO 4", "RIO 5", and "RIO 6"~~ a RIO district, in a designated historic district, or on a designated historic landmark shall conform to all city codes and must have approval of the historic and design review commission prior to installation. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the office of historic preservation. Signs should respect and respond to the ~~river improvement overlay district environment and landmark or district~~ character in which it is constructed.

(2) All Signage on Property Abutting the River Shall Conform in Particular to Subsection 35-678(p). All signage on the riverside of property abutting the river shall conform to all city codes, but in particular shall conform to subsection 35-678(p), below. Permits must be obtained following the historic and design review commission's approval of a certificate application and recommendation to the office of historic preservation. Signs should respect and respond to the river improvement overlay districts character and the historic Riverwalk, ~~generally defined as those areas included in the Robert H. Hugman drawings, in particular.~~

(c) Number and Size of Signs.

(1) Buildings Housing One (1) Business. For buildings housing one (1) business or service, one (1) major sign per facade (as per subsection 35-612(c)(1)) with a public entrance to that business and two (2) minor signs shall be permitted in river improvement overlay districts.

(2) Buildings Housing More Than One (1) Business. For buildings housing more than one (1) business or service, the building owner shall develop and submit a master signage plan or signage guidelines for the total building or property prior to the issuance of final approval for a certificate of appropriateness for signage. The historic and design review commission shall be guided in its decisions by the total number of businesses or services per building and the percentage of floor space occupied by each business or service. No more than one (1) major and two (2) minor signs shall be permitted per business or service. Total number of signs shall be kept to a minimum and no sign shall exceed fifty (50) square feet.

(3) Square Footage of Signs. For buildings located in the river improvement overlay districts, the total area of signage shall not exceed ~~thirty-six (36) square inches per running foot of store frontage per facade per structure and total signage shall not exceed~~ fifty (50) square feet total per facade. However, in cases where the applicant clearly demonstrates need for additional signage, the historic and design review commission, keeping in mind the facade's proportions, may approve additional signage.

(p) Signs on the Riverside of Properties Abutting the River

(2) Standards for Signage

B. Size. The maximum allowable size for any sign on the riverside of property abutting the publicly owned Riverwalk and visible from the Riverwalk shall be eight (8) square feet. If a building surface is used for signage, the letters or design shall not exceed a surface area of eight (8) square feet. However, additional square footage may be approved provided that the additional signage is in conformity, and does not interfere with, the pedestrian experience on the Riverwalk. The additional square footage shall be based upon the size and scope of the site.

Sec. 35-803. Historic and Design Review Commission.

(a) Appointment. The historic and design review commission (~~historic and design review commission~~) is hereby established. The historic and design review commission shall consist of eleven (11) members who reside in the City of San Antonio and are appointed by the city council.

(b) Duties and functions. The commission shall serve to assist in an advisory capacity to the City of San Antonio directors of parks and recreation, planning and development services, code compliance, public works, arts and cultural affairs, office of historic preservation and other appropriate heads of municipal departments, in accordance with Section 49 of the City Charter, and to the city manager. The commission shall have no authority to bind the City of San Antonio by contract or otherwise. The commission shall have the following duties and functions:

(1) To conduct an ongoing inventory to identify historically, culturally, architecturally, and archaeologically significant buildings, objects, sites, structures, public art and design enhancements, and areas that exemplify the cultural, social, economic, political, archaeological, or architectural history of the city, state, or nation;

(2) To investigate and recommend through the city zoning commission the designation of areas having special historic, cultural, architectural, or archaeological value as historic districts; and buildings, objects, sites, structures, or clusters having special historic, cultural, architectural, or archaeological value as exceptional or significant landmarks;

(3) To hold public hearings and to review applications for construction, reconstruction, alteration, relocation, renovation, landscaping, or demolition affecting proposed or designated landmarks or buildings, objects, sites, signs, public art and design enhancements, or structures in the Riverwalk area, historic districts, and public property and rights-of-way and recommend issuance or denial of certificates of appropriateness for such actions;

(4) To recommend specific design guidelines for the restoration, rehabilitation, alteration, construction, reconstruction, or relocation of landmarks, or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;

(5) To recommend guidelines for signage, street furniture, appurtenances, advertising devices, landscaping, monuments and

works of art for each historic district, each landmark, in the Riverwalk area, and for public property and public rights-of-way;

(6) To hold public hearings and to review applications for ad valorem tax exemption for residential and commercial buildings and structures which have historical significance and are in need of tax relief to encourage their preservation and rehabilitation; to certify the facts governing eligibility, along with the commission's recommendation, to the Bexar Appraisal District, for approval or disapproval of the application for exemption; upon receipt of a sworn statement of completion, to investigate the building or structure to determine whether the restoration or rehabilitation has been substantially completed as required for certification, and to notify the Bexar Appraisal District in writing if verification of completion is favorable;

(7) To review and make recommendations concerning proposed tax increment districts and special assessment districts that would affect proposed or designated landmarks or historic districts;

(8) To testify through the chairman or vice chairman before all boards and commissions on any matter affecting historically, culturally, architecturally, or archaeologically exceptional, or significant areas, buildings, objects, sites, structures, clusters, historic districts, property located in the Riverwalk area, or public property;

(9) To review all proposed National Register nominations within the City of San Antonio upon recommendation of the city's historic preservation officer;

(10) To inform and educate the citizens of San Antonio concerning the historical, cultural, architectural, and archaeological heritage of the city;

(11) To recommend conferral of recognition upon the owners of landmarks or buildings, objects, sites or structures within historic districts by means of certificates, plaques, or markers;

(12) To review periodically the zoning ordinance of the City of San Antonio and to recommend any amendments appropriate for the preservation and protection of landmarks or buildings, objects, sites and structures within historic districts, in the Riverwalk area, on public property, or in the public right-of-way;

(13) To create committees of no more than ~~seven~~ ~~(7)~~ four (4) persons from among its membership to meet at times other than regular commission meetings, to consider specified categories of applications; and to make recommendations to the full commission;

(14) To prepare and submit annually to the city council a report summarizing the work of the commission during the previous calendar year which has been adopted by the commission; and

~~(15) To select four (4) members from within the historic and design review commission who shall serve on the public art~~

~~committee and shall have the responsibilities included in the public art and design enhancement program under article VI, division 5, subsection 35-652(e).~~

(c) Composition and Qualifications. In appointing members of the commission, the city council shall make appointments that are sensitive to the preservation and development goals of the city and will enable the city to retain compliance as a certified local government under the rules incorporating the provisions of the U.S. Historic Preservation Act of 1966, as amended, and Title 13, Texas Historic Commission, chapter 15, specifically 13 TAC 15.6(f)(3)(C), so that all members shall have a demonstrated "interest, competence, or knowledge in historic preservation."

(1) Composition. Composition shall be from three (3) categories of members from the following disciplines or backgrounds:

A. One (1) representative shall be selected from each of the following disciplines: architecture (licensed in the State of Texas), history, architectural history, archaeology, and planning. Memberships from these five (5) disciplines are required in order to achieve compliance with the U.S. Historic Preservation Act, as well as applicable Texas law.

B. One (1) representative from each of the following disciplines: landscape architecture (licensed in the State of Texas), and a professional in the field of public art or art history. Membership from these two (2) disciplines are required to provide design expertise related to the Riverwalk and public art.

C. Four (4) individuals in business/professional categories which shall include disciplines and backgrounds in real estate/commercial development, economic development, law, banking or accounting, or civil engineering and in a general category which shall include experience or background in urban design, visual arts, public art, neighborhood representation, or design enhancements, or who shall be a citizen-at-large.

Members of the commission shall represent the general ethnic and gender makeup of the community. ~~The city council shall have the authority to remove any member for good cause.~~ All board and commission members serve at the pleasure of the city council and may be removed from office at the discretion of the city council without cause, such removal to be evidenced by passage of an ordinance.

(2) Appointment. The mayor and city council will each appoint one (1) member of the commission to complete category representation.

(3) Terms of members. ~~Members of the commission shall serve a two-year term not to exceed three (3) consecutive terms.~~ Members are appointed for a term of office of two (2) years. The term of office for each board or commission member will run concurrently with the terms of office of the city council that appoints each member. Any vacancy shall be filled for the remainder of the term by the city council.

(e) Election of Officers. Election of commission officers shall occur in January of each year. On the day of the election of officers, the chairman shall turn the meeting over to the historic preservation officer who will accept nominations from the membership for chairman and vice chairman. Officers must receive a majority vote of the commission members. The term of office shall begin the day of the election. Should the chair or vice chair resign or not be reappointed prior to the end of the term of office, a special election shall be held at the next meeting after such vacancy to fill the position(s) for the remainder of the term.

(j) Quorum. A quorum of the commission shall require six (6) members present. The affirmative votes of ~~two-thirds (2/3)~~ a majority of the members present is required for action, except in the case of an application for demolition which shall require a 2/3 majority of the members present for a recommendation of approval.

Amendment - 21

Sec. 35-804. City Historic Preservation Officer.

~~The city historic preservation officer, through the office of historic preservation, shall administer this article and shall advise the historic and design review commission on each application that shall come before the commission. This person shall have expertise in archaeology, history, architectural history, historic preservation, or a closely related field. The city historic preservation officer shall have the following powers and duties:~~

- ~~(a) To coordinate with the department of CIMS who shall administer the public art and design enhancement program under division 5 of article VI.~~
- ~~(b) To coordinate the city's preservation and urban design activities with those of local, state and federal agencies and with local, state, and national preservation and urban design organizations in the private sector.~~
- ~~(c) To recommend to the commission buildings, objects, sites, structures, and districts for designation as landmarks or historic districts in accordance with the criteria established by this chapter.~~
- ~~(d) To recommend to the commission buildings, objects, sites, structures, and districts for nomination to the National Register of Historic Places. Such recommendations shall be guided by the criteria established in the National Historic Preservation Act of 1966, as amended.~~
- ~~(e) To maintain and hold open for public inspection all record pertaining to the provision of historic and design regulations as provided for in article VI and article III (Riverwalk)~~
- ~~(f) To review, approve or deny applications for building and demolition permits required by section 35-108.~~
- ~~(g) To review plans for proposed development to assure that all necessary permits have been obtained from these federal, state or local government agencies from which prior approval is required as provided in this chapter for historic and design review.~~
- ~~(h) To administratively approve certain certificates of appropriateness for ordinary maintenance, repair and administrative review on routine matters of historic preservation or design review.~~
- ~~(i) To convene special, called meetings of the architectural subcommittee of the historic and design review commission when development projects over five thousand (5,000) square feet merit committee consideration and advice prior to the historic and design review commission meeting.~~

Sec. 35-804. Reserved.

Amendment - 22

Sec. 35-805. Planning Department and Administration.

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, and planning and development services, and the Historic Preservation Officer shall ordinarily administer and enforce the provisions of this chapter. The director of planning and development services shall serve as staff to the planning commission, zoning commission, and the city council except where otherwise provided by this chapter. ~~The director of planning shall serve as a regular advisor to the planning commission.~~

Amendment - 23

Sec. 35-403. Notice Provisions.

Table 403-1
Notice Requirements
TABLE INSET:

(A)	(B)	(C)	(D)	(E)	(F)	(G)	(H)	(I)	(J)	(K)
Type of notice	Amendments to Master Plan	Rezoning	Master Development Plan	Appeals to Board of Adjustment	Variances From and/or Granting of Special Exceptions by the Board of Adjustment	Subdivision Plat, Major	Subdivision Plat, Minor	Certificate of Appropriateness (Not including administrative approval certificates)	Permits, Orders or Approvals not Mentioned Requiring Public Hearing	Request for Demolition of a Historic Landmark or Potential Historic Landmark
Publication: Publication in an official newspaper of general circulation before the 15th day before the date of the hearing.	*	*	--	10 days	*	*	--	--	*	--
Mail: Written notice of the public hearing shall be sent.	--	*(1)(2)(3)	*(2)	*(1)(2)	*(1)(2)	*(1)(2)	(1)	—	*(1)	*(1)(2)
Internet: Post a copy of the notice on the city's Internet website until the proceeding has been completed.	*	*	*	*	*	*	*	*	*	*
Signage: Post a sign on the property	--	*(4), (5)	--	--	--	--	--	*	--	*

subject to the application. Signs to be installed and provided by the city (2)										
--	--	--	--	--	--	--	--	--	--	--

Amendment - 24

Sec. 35-644. - Ordinary Repair and Maintenance Certificate of Appropriateness – Administrative Approval.

Those activities which require a permit and constitute ordinary repair and maintenance include but are not restricted to:

- (a) Repair using the same material and design as the original;
- (b) Reroofing, using the same type and color of material; and
- (c) Repair of sidewalks and driveways using the same type and color of materials.

Applications for certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the Historic Preservation Officer without review by the Historic and Design Review Commission. Those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to those listed in Section 35-611.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

Amendment - 25

Sec. 35-451. Certificate of Appropriateness.

- (a) Applications proposing work or changes to the exterior of a landmark or district designated historic shall require review for appropriateness with the provisions of this article, and any adopted design guidelines. In addition, the demolition or relocation of any structure designated historic shall also require review for appropriateness in the same manner. Such applications may include, but are not limited to,

~~(a) Applicability. The provisions of this section apply to the following activities:~~

- ~~(1) Construction and reconstruction,~~
- ~~(2) Alteration, additions, restoration and rehabilitation,~~
- ~~(3) Relocation,~~
- ~~(4) Stabilization,~~
- ~~(5) Signage,~~
- ~~(6) Landscaping,~~
- ~~(7) Construction or reconstruction of a parking lot,~~
- ~~(8) Construction or reconstruction of an appurtenance,~~
- ~~(9) Acquisition or deaccessioning of artwork,~~
- ~~(10) Demolition, and~~
- ~~(11) Lighting, furniture and seating plan, and awnings and umbrellas within the Riverwalk area and in the public right-of-way.~~

(c) Completeness Review. The ~~director~~ Historic Preservation Officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

(d) Decision.

(1) Commission Review. The commission shall make its written final recommendations to either approve, deny, or approve with stipulations the application within sixty (60) days after the historic preservation officer's receipt of the completed application. which Applications forwarded to the commission shall include all required materials and documents, from the applicant. If the commission does not make its final recommendation within a sixty-day period, the application shall be deemed recommended by the commission for approval and a certificate showing the filing date and the failure to take action on the application within sixty (60) days shall be issued by the director the city manager or her designee shall either approve, deny or approve with conditions the application within 5 days of upon consultation with the historic preservation officer on the applicant's demand. The sixty-day time period may be extended up to three additional times, with each time not exceeding 30 days, with the concurrence of the applicant if additional time is required for the preparation of information or for research required by the commission. Such extension shall suspend the running of the sixty day period within which the commission is required to make its recommendation.

(2) City Manager Review. Upon receipt of the recommendation by the commission, the city manager or designee ~~shall~~ may implement such recommendation by notifying the applicant within ten (10) days from receipt of such recommendation that the application has been approved, conditionally approved, or disapproved. The city manager designee for this purpose shall be the Historic Preservation Officer, unless the city manager chooses to designate otherwise. The city manager or designee shall also submit a copy of the decision to the commission for its information, to the department of planning and development services for issuance of permits, and to other departments, as applicable. The city manager or designee shall assure the decision is based on the criteria established by the Secretary of the Interior's Standards and Guidelines for Archaeology and Historic Preservation, and was considered by the commission in the determination as to issuance or denial of any certificate.

(3) Appeal. An applicant for a certificate may appeal the decision of the city manager or designee to the board of adjustment within thirty (30) days after receipt of notification of the city manager's action. The applicant shall be advised by the city manager or designee of the time and place of the hearing at which the appeal will be considered and shall have the right to attend and be heard as to the reasons for filing the appeal. In determining whether or not to grant the appeal, the board of adjustment shall consider the same factors as the commission, the report of the commission, and any other matters presented at the hearing on the appeal. If the board of adjustment approves the application, it shall direct the city manager or designee to issue a certificate for the work covered. If the board of adjustment disapproves the application, it shall direct the city manager or designee not to issue such certificate. Such disapproval may indicate what changes in the plans and specifications would meet the conditions. Upon receipt of the written disapproval of the board of adjustment, the city manager or designee shall immediately advise the applicant and the commission in writing.

(f) Subsequent Applications. In the case of disapproval of an application by the board of adjustment, a new application for the same work shall not be resubmitted for consideration until one (1) year has elapsed from the date of disapproval unless the indicated changes in the plans and specifications required to meet the conditions have been incorporated into the new application. The commission, by a ~~two-thirds (2/3)~~ majority of its membership, may waive the aforementioned time limitation if the

application presents new substantial evidence. If such waiver is granted, a new application shall be filed with the historic preservation officer.

(h) Scope of Approval. A certificate of appropriateness shall authorize only those modifications to a building or structure requested in the application and approved as provided herein. The Historic and Design Review Commission shall recommend approval, denial, or approval with conditions for the application before it, unless said application is revised with the consent of the applicant. Following commission approval of final design, defined as eighty (80) percent working drawings, and issuance of a certificate, an applicant must secure permits within one hundred eighty (180) days and start work within one hundred eighty (180) days of issuance of permits or the certificate becomes null and void and of no force or effect. Thereafter, the applicant must reapply for reissuance of a certificate to the historic preservation officer. The historic preservation officer will determine whether significant changes have occurred to the final design. If the historic preservation officer determines that significant changes have occurred, then plans must be resubmitted to the commission for rehearing and action.

Amendment - 26

Sec. 35-452. Certificate of Appropriateness for ~~Ordinary Repair and Maintenance~~ or Administrative Approval.

(a) Applicability. The provisions of this section apply to a certificate of appropriateness requesting ordinary repair and maintenance and certain minor alterations or additions reviewed and approved administratively.

(b) Initiation. Applications for a certificate of appropriateness to authorize ordinary maintenance and repair or certain minor alterations or additions reviewed and approved administratively shall be submitted to the historic preservation officer.

(c) Completeness Review. The ~~director of planning and development services~~ Historic Preservation Officer shall review an application for a certificate of appropriateness in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

Amendment - 27

Sec. 35-453. Permits Affecting Property Recommended by the Historic Design and Review Commission for Historic Designation.

- (a) Applicability. When an application is made on a building, object, site or structure recommended by the commission for designation as a historic landmark or of a building, object, site, structure or unimproved land located within an area recommended by the commission for designation as a historic district, the applicant shall follow procedures outlined in this subdivision until the final disposition of the recommendation by city council.
- (b) Initiation. The applicant may apply to the commission for review of a proposed project prior to final city council action on the designation request.
- (c) Completeness Review. ~~The director of planning and development services~~ Historic Preservation Officer shall review the application in accordance with section 35-402 of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

Amendment - 28

Sec. 35-454. - Review of Plans for City-Owned Properties.

- (c) Completeness Review. ~~The director of planning and development services~~ Historic Preservation Officer shall review the plan review application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

Amendment - 29

Sec. 35-455. - Demolition Permit Applications.

(c) Completeness Review. The ~~director of planning and development services~~ Historic Preservation Officer shall review the demolition permit application for completeness in accordance with subsection 35-451(c) of this chapter. The appellate agency for purposes of completeness review (see subsection 35-402(c) of this chapter) shall be the historic and design review commission.

(d) Decision.

(1) Historic Landmarks. Whenever an application for a certificate regarding the demolition of ~~an exceptional or significant~~ a landmark ~~shall be~~ is submitted to the historic and design review commission, the historic and design review commission shall not hold a public hearing on the application for sixty (60) days from the date the application is received by the ~~department of planning and development services~~ Office of Historic Preservation. This time period is intended to permit the city ~~HPO~~ Historic Preservation Officer to discuss the proposed demolition informally with the property owner, other city officials and local preservation organizations, to see if an alternative to demolition can be found before a formal consideration of the application by the historic and design review commission. The ~~city HPO~~ Historic Preservation Officer shall prepare, as a part of the submission, a report to the historic and design review commission analyzing alternatives to demolition, and request from other city departments or agencies information necessary for the preparation of this report.

(2) Other Demolition Permits. If the property is not a historic landmark, contributing property, or an intrusion in the district, the ~~HPO~~ Historic Preservation Officer shall determine whether or not the building, object, site, or structure may have ~~historical~~ historic, cultural, architectural, or archaeological significance within thirty (30) days after receipt of the completed application and shall notify the director of planning and development services in writing. If the building, object, site, or structure is determined to have no cultural, historical, architectural, or archaeological significance, a demolition permit may be issued immediately, provided such application otherwise complies with the provisions of the demolition ordinance and all city code requirements. If the building, object, site, or structure is determined by the ~~city HPO~~ Historic Preservation Officer to have ~~historical~~ historic, cultural, architectural, or archaeological significance, the ~~HPO~~ Historic

Preservation Officer shall ~~promptly~~ make such information available to the historic and design review commission for review and recommendation as to significance. If the historic and design review commission concurs in the significance, the historic and design review commission shall recommend ~~to the city council~~ that the building, object, site, or structure be designated, ~~as appropriate, an exceptional or significant~~ as a historic landmark. Following such determination, the applicant may request a demolition permit by following the procedures for historic landmarks or properties within a historic district as prescribed in this section.

(e) Approval Criteria. See article VI, section 35-614 of this chapter.

~~(1) Exceptional Historic Landmark. Should the applicant for a certificate regarding demolition of an exceptional historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(2) (1) Significant Historic Landmark. Should the applicant for a certificate regarding demolition of a significant historic landmark satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates unusual and compelling circumstances~~ loss of significance which dictate ~~dictates~~ demolition of the significant historic landmark, the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.

~~(3) (2) Contributing Property. Should the applicant for certificate regarding demolition of a contributing property in a historic district satisfy the historic and design review commission that he will suffer an unreasonable economic hardship if a demolition permit is not issued, or, in failing to demonstrate unreasonable economic hardship, the applicant demonstrates unusual and compelling circumstances~~ loss of significance which dictate ~~dictates~~ demolition of the property, approval of a certificate shall be made ~~the historic and design review commission shall recommend approval of a certificate for the issuance of a demolition permit.~~

~~(4) (3) Property Deemed to be an Intrusion Into the District. In those cases in which the historic and design review commission finds that a building, object, or structure proposed for demolition is located in a historic district, but is considered an intrusion in the~~

district, the historic and design review commission shall reaffirm the evaluation of the resource as an intrusion using criteria set forth in this article prior to granting recommending approval of a certificate regarding demolition. When the resource is determined to be an intrusion, the historic and design review commission shall not recommend approval of a certificate regarding demolition unless the property owner agrees to minimum landscape and maintenance requirements as specified under sections 35-615 through 35-616 and all other city ordinances and codes. In any event, when the historic and design review commission recommends approval of such certificate, demolition permits for buildings, objects, sites, or structures in historic districts shall not be issued until all plans for the site have received approval from all appropriate city boards, commissions, departments and agencies.

(i) Recording Procedures. (See subsection 35-451(i) of this chapter.) Applicants that have received a recommendation for a certificate for demolition of a historic landmark shall document buildings, objects, sites or structures which are intended to be demolished with 35mm slides or prints, preferably in black and white, and supply a set of slides or prints to the HPO Historic Preservation Officer. Applicants shall also prepare for the HPO Historic Preservation Officer a salvage strategy for reuse of building materials deemed valuable by the HPO Historic Preservation Officer for other preservation and restoration activities.

Amendment - 30

Sec. 35-491. - Civil Enforcement.

(c) Penalties.

(3) Civil Penalties Regarding Article VI, Historic Preservation. The civil penalties for violation of any section or other part of article VI of this chapter is as follows:

C. If demolition, partial demolition, or relocation of a landmark or of any building, object, site or structure found to have significance or located in a historic district, or located in the river improvement overlay districts, or located on the publicly-owned property, or on a public right-of-way occurs without a permit or a certificate of appropriateness, then any permits on subject property will be denied for a period ~~of three (3)~~ five (5) years with the

exception of a permit to restore such structure or property after obtaining a Certificate of Appropriateness. In addition, the applicant shall not be entitled to have issued to him by any city office a permit allowing any curb cuts on subject property for a period of ~~three (3)~~ five (5) years from and after the date of such demolition. No parking lot for vehicles shall be operated whether for remuneration or not on the site for a period of five (5) years from and after the date of such demolition or removal. The Historic Preservation Officer shall cause to be filed a verified notice thereof of these penalties in the Real Property Records of Bexar County and all restrictions listed above shall be binding on future owners of the property for the time period specified. Additionally, in the case of an unauthorized demolition, partial demolition, or relocation that damages the building, object or structure, a fine shall be imposed in the amount of 90 percent of the fair market value of the cost of replacement or repair of such building, object or structure as allowed by state law. No future permits shall be issued until such fine is paid, regardless of any five (5) year deadline.

D. If demolition, partial demolition, or relocation of a landmark or of any building, object, site, or structure found to have significance or located in a historic district, or located in the river improvement overlay districts, or located on publicly-owned property, or on a public right-of-way occurs without a permit or a certificate of appropriateness, then the license of the company, individual, principal owner; or its or his successor in interest performing such demolition shall be revoked for a period of five (5) years.

Amendment - 31

Sec. 35-111. Updates for Amendments.

With the exception of amendments initiated by zoning commission, planning commission, board of adjustments, HDRC, city council, or other appropriate city board or council, amendments submitted during the update program shall be limited to the following:

3. Rule interpretation determinations (RIDs) are written policies and administrative interpretations made by the director of planning and development services or the Historic Preservation Officer for subjects which are not fully provided for in the UDC. RIDs are based on case or project experience and may or may not result in the creation of a UDC amendment.

Amendment - 32

Sec. 35-112. Administrative Official.

The administrative official for the purposes of this chapter shall be the city manager and his assistants, deputies, and department heads insofar as they may be charged by the city manager and the provisions of this chapter with duties and responsibilities with reference thereto. Without limitation, the directors of planning, public works, ~~and planning and development services~~, and the Historic Preservation Officer shall ordinarily administer and enforce the provisions of this chapter.

Amendment - 33

Sec. 35-C112. Historic Preservation Fees.

Fees for applications for changes to zoning district boundaries or for any change of the zoning ordinance shall be paid in accordance with all other zoning fees.

TABLE INSET:

(A) Application or Action	(B) Fee Amount
Historic Plaque Application Fee	\$10.00 per plaque
Certificate of Appropriateness (post work commencement)	\$500.00
Historic Design and Review Commission Application (Non Demo; Non Signage) (commercial projects only)	\$100.00
Historic Site Certification <u>Tax Exemption Verification</u>	\$40.00 \$75.00
<u>Demolition Application</u> (commercial projects)	<u>\$100.00</u>
<u>Demolition Application</u> (residential projects)	<u>\$50.00</u>

Signage Application	\$100.00
---------------------	----------

Amendment - 34

Sec. 35-A101. Generally.

Certificate of appropriateness. The certificate issued upon the recommendation of the director of planning by the historic preservation officer after review and final approval of the various applications required herein which must be submitted to the historic and design review commission and for applications for ordinary maintenance and repair which do not require commission approval. The official notice of action issued by the City Manager, or his or her designee, charged with the jurisdiction for permitting or denying the appropriateness of proposed Office of Historic Preservation applications, including changes or additions to historic structures or districts.

Amendment - 35

Sec. 35-672. - Neighborhood Wide Design Standards.

(a) Pedestrian Circulation. Pedestrian access shall be provided among properties to integrate neighborhoods.

(5) In "RIO-3", Pedestrian Access Along the Riverwalk Pathway Shall Not Be Blocked.

Amendment - 36

Sec. 35-674. - Building Design Principles.

(d) Materials and Finishes in "RIO-3". Masonry materials are well established as primary features along the river corridor and their use should be continued. Stucco that is detailed to provide a texture and pattern, which conveys a human scale, is also part of the tradition. In general, materials and finishes that provide a sense of human scale, reduce the perceived mass of a building and appear to blend with the natural setting of the river should be used, especially on major structures.

(e) Facade Composition ~~in "RIO-3"~~. Traditionally, many commercial and multi-family buildings in the core of San Antonio have had facade designs that are organized into three (3) distinct segments: First, a "base" exists, which establishes a scale at the street level; second a "mid-section", or shaft is used, which may include several floors. Finally a "cap" finishes the composition. The cap may take the form of an ornamental roof form or decorative molding and may also include the top floors of the building. This organization helps to give a sense of scale to a building and its use should be encouraged.

(f) Staircases ~~in "RIO-3"~~.

(1) Staircases to the River Level Shall be Uniquely Designed.

A. Stairs shall not replicate other stairs in a single project.

B. Stairs shall be constructed of handcrafted materials. The applicant shall use traditional building materials found in "RIO-3" staircases, especially those used by Hugman.

D. Stairs shall not exceed ten (10) feet to zero (0) inches in width.

Amendment - 37

Sec. 35-676. - Alteration, Restoration and Rehabilitation ~~in "RIO-3"~~.

In considering whether to recommend approval or disapproval of an application for a certificate to alter, restore, rehabilitate, or add to a building, object, site or structure located in "RIO-3", the historic and design review commission shall be guided by the National Park Service Guidelines in addition to any specific design guidelines included in this subdivision.

Amendment - 38

Sec. 35-677. - ~~Ordinary Repair and Maintenance in "RIO-3"~~ Administrative Approval.

~~Those activities in "RIO-3" which constitute ordinary repair and maintenance include but are not restricted to:~~

- ~~A. Repair using the same material and design as the original;~~
- ~~B. Repainting, using the same color;~~
- ~~C. Re-roofing, using the same type and color of material; and~~
- ~~D. Repair of sidewalks and driveways using the same type and color of materials.~~

Applications for certain minor alterations, additions, ordinary repairs or maintenance may be reviewed and approved administratively by the Historic Preservation Officer without review by the Historic and Design Review Commission. Those activities which constitute minor alterations, additions, repairs or maintenance include but are not limited to those listed in Section 35-611.

A clear photograph of the building, object, or structure to be repaired, a brief description of the intended work, and samples of replacement materials or paint for comparison with the existing building, object, or structure must be furnished with the application.

Amendment - 39

Appendix A – Definitions and Rules.

Accessory Structure. In the Office of Historic Preservation, a building, structure or use on the same lot with, and of a nature customarily incidental and subordinate to, the principal building or use. Examples would include garages or tool sheds.

Administrative Approval. In the Office of Historic Preservation, the process of reviewing certain applications for local regulation compliance and approval without review by the Historic and Design Review Commission.

Alteration. (Generally, as applied to a building or structure): A change or rearrangement in the structural parts or an enlargement, whether by extending on a side or by increasing in height, or the moving from one location or position to another. Any change affecting the exterior appearance of an existing structure or improvement by additions, reconstruction, remodeling, or maintenance; or any structural changes involving changes in form, texture, materials, or color; or, as applied to a building or structure, a change or rearrangement in the structural parts of the existing facilities, or an enlargement, whether by extending on a side or by increasing the height, or the moving from one location to another.

Architectural Features. These include, but are not limited to, the exterior details of a building or structure, such as the type, style, or color of roofs, windows, doors, and appurtenances. Architectural features will include interior architectural features where the interior is authorized for review.

In-Kind. The replacement element is exactly the same as the element it is replacing. For example, wood casement windows that are replaced with wood casement windows identical to those that are being removed.

Top Of Bank. For purposes of determining River Improvement Overlay riverside setbacks in 35-673, the point, stage or elevation at which water overflows the natural or man made banks of the river; alternately, the vertical point along the river where an abrupt change in slope is evident, and where the water level is generally able to overflow the natural bank or man made edge and enter adjacent floodplains (if any) during flows at or exceeding the average annual high water stage.

[The rest of this page intentionally left blank]

Amendment - 40

Section 35B-129 is hereby amended by striking out the current Demolition Form, Certification Form, Verification Form, and Application for Repair/Maintenance, and inserting in place thereof the following forms:-

Sec. 35B-129. Historic Preservation Materials.

DRAFT



**CITY OF SAN ANTONIO
Office of Historic Preservation**

DEMOLITION FORM

Please fill in all blanks.



Application for permit to demolish the structure located at: _____

NCB _____ Block _____ Lot _____ Zoning _____

Name of Property Owner: _____

Mailing Address: _____

Business Telephone: _____ Home Telephone: _____

Name of Contractor: _____ License No.: _____

Mailing Address: _____

Business Telephone: _____ Home Telephone: _____

Approximate Date Built: _____

The structural frame is _____

Historic District: _____ or Historic Landmark: _____

Type of structure: (A) Commercial _____ (B) Residential _____ (C) Accessory _____

Why is structure to be demolished? _____

Submitted by:

Applicant Name: _____ Telephone No.: _____

Address: _____ Zip Code: _____

Applicant Signature: _____

Property Owner Signature: _____
(if different from applicant)

DISPOSITION OF REQUEST

Permit to be issued: _____

Research to be done: _____

Referred to Historic and Design Review Commission: _____

Remarks or special recommendation where applicable: _____

_____/_____/_____
Historic Preservation Officer Date

PHOTOGRAPHS OF THE BUILDING TO BE DEMOLISHED ARE REQUIRED FOR CLEARANCE
(one photo per elevation for a total of 4 photos)



**CITY OF SAN ANTONIO
APPLICATION FOR AD VALOREM TAX EXEMPTION FOR HISTORICALLY
SIGNIFICANT PROPERTY IN NEED OF TAX RELIEF**

CERTIFICATION FORM

To be completed by the applicant, signed, and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission (HDRC). An HDRC Application must be filled out and submitted along with this form.

DATE: _____ 20 _____
NAME OF APPLICANT: _____
MAILING ADDRESS: _____

BUSINESS TELEPHONE: _____
E-MAIL: _____
NAME (S) OF PROPERTY OWNERS: _____

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED
NCB _____ BLOCK NUMBER _____
LOT(S) NUMBER _____ ZONING _____
COMMON ACCOUNT NUMBER (AS PER BCAD) _____
ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED: _____

Street Number and Name _____ Zip Code _____

Latest Value of Property as Assessed by the Bexar Appraisal District:
Year: _____

Land Value	Improvements	Total
------------	--------------	-------

To the Historic Preservation Officer, City of San Antonio, Texas:
The property identified above is in need of tax relief as set forth in City of San Antonio Ordinance No. 52281 and 52282. The historic significance of said property is certified by signature below, together with other documents covering the proposed restoration or rehabilitation:

1. One set of complete plans for restoration or rehabilitation
2. Statement of expected costs of improvements
3. The projected time schedule for restoration/rehabilitation
4. Proposed use: () commercial () residential
5. Signature below to allow designated officials to view property and records.

Submitted by: _____
Applicant's Signature

SUBSTANTIAL REHABILITATION TAX EXEMPTION PROCESS

1. Submittal of Certification application.
2. Approval of Certification and project plans by the Historic and Design Review Commission (HDRC).
3. Completion of rehabilitation construction according to plans approved by HDRC.
4. Submittal of Verification application. For residential properties, choose exemption option: "tax freeze" or "5 zero/5 fifty"
5. Site visit by Office of Historic Preservation (OHP) staff member to verify that completed work matches the plans that were approved by HDRC.
6. Approval of Verification by HDRC.
7. OHP staff notifies the Bexar County Appraisal District of approved exemption.
8. Tax exemptions are effective on January 1 of the year following HDRC verification.



CITY OF SAN ANTONIO
APPLICATION FOR AD VALOREM TAX EXEMPTION FOR HISTORICALLY SIGNIFICANT
PROPERTY CERTIFIED AS IN NEED OF TAX RELIEF

VERIFICATION FORM

To be completed by the applicant, signed, and filed with the City of San Antonio Historic Preservation Officer prior to hearing by the Historic and Design Review Commission (HDRC). An HDRC Application must be filled out and submitted along with this form.

DATE: _____ 20 _____

CERTIFICATION DATE: _____ HDRC CASE NO.: _____

NAME OF APPLICANT: _____

MAILING ADDRESS: _____

BUSINESS TELEPHONE: _____

NAME (S) OF PROPERTY OWNERS: _____

EXACT LEGAL DESCRIPTION OF PROPERTY AS CONTAINED IN DEED

NCB _____ BLOCK NUMBER _____

LOT(S) NUMBER _____ ZONING _____

COMMON ACCOUNT NUMBER (AS PER BCAD) _____

ADDRESS OF PROPERTY FOR WHICH EXEMPTION IS REQUESTED:

Street Number and Name _____

Zip Code _____

- 1. Documentation:** Itemized List of Costs
Final Building Inspection Clearance
(Permits or Certificate of Occupancy)
Final Photos of Rehabilitation Work (including interior, if applicable)

In accordance with City of San Antonio Ordinances No. 52281 and/or 52282, I hereby swear that substantial rehabilitation of the property listed has been completed according to the criteria and standards of the City of San Antonio Historic and Design Review Commission.

I hereby authorize duly constituted representatives of the City of San Antonio to make an investigation of the property in compliance with code requirements.

Signature _____
(Property Owner)

Date _____

Please read the back regarding tax exemption options.

Residential Properties

Residential properties are eligible for two tax exemption options. The first exemption option freezes your City taxes at the pre-improvement value upon verification for ten (10) years. Therefore, your City taxes would be based upon the assessed value of the property before commencement of the rehabilitation. The other exemption choice calls for the payment of zero City taxes for five (5) years, and then for the subsequent five (5) years taxes will be based upon 50% of the newly assessed value of the property (5 Zero/5 Fifty).

Please select which of the two options you would prefer:

_____ **10 Year Tax Freeze**

_____ **5 Zero/ 5 Fifty**

Commercial Properties

Commercial properties are eligible for the exemption choice that calls for the payment of zero City taxes for five (5) years and, then, for the subsequent five (5) years taxes, will be based upon 50% of the newly assessed value of the property (5 Zero/5 Fifty).

Upon approval of the Verification by the Historic and Design Review Commission, the Office of Historic Preservation staff will notify the Bexar County Appraisal District of the approved exemption and option you have selected. Tax exemptions are effective on January 1st of the year following the HDRC Verification.

[The rest of this page intentionally left blank]



CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION

ADMINISTRATIVE
CERTIFICATE OF APPROPRIATENESS
APPLICATION

DATE: _____

To be completed by the applicant, signed and filed with the City of San Antonio Historic Preservation Officer.

Property Location (Street Address) _____

Historic District ☐ Landmark ☐ River Improvement Overlay ☐ Public Property ☐ or Other ☐

Name of Property Owner: _____

Mailing Address: _____

Business/Home Telephone: _____ Fax Number: _____

(If different from Owner)

Name of Applicant: _____

Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax Number: _____

This form is used only for:

1. General repair, using “**SAME**” material and design as original with photographs of area where work is to be done.
2. Repainting with “**SAME**” color (paint sample **MUST** be attached to this application).
3. Reroofing, using “**SAME**” type material and color.
4. Repair of sidewalk/driveways/curbs.

Owner/Applicant is requesting permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests; an additional sheet may be used).

1. _____
2. _____
3. _____

THIS FORM DOES NOT TAKE THE PLACE OF A BUILDING PERMIT, which must be obtained from the City of San Antonio, Department of Planning and Development Services. **ALL REPAIR/MAINTENANCE FORMS MUST BE DISPLAYED ON THE JOB SITE.**

Signed: Owner/Applicant _____

Historic Preservation Officer _____

Staff Comments or Conditions: _____

Staff Initials /Date



CITY OF SAN ANTONIO
OFFICE OF HISTORIC PRESERVATION
APPLICATION FOR LANDMARK or
HISTORIC DISTRICT DESIGNATION

DATE/TIME
STAMP

I. LOCATION AND CLASSIFICATION

Property Address:

Is this request for the formation of a Historic District? _____

If so, this must be accompanied by a letter and a map of the proposed boundary.

Proposed Landmark/Historic District Name (Common Name):

Parcel Identification: NCB _____ Block _____ Lot _____

Current Zoning _____

☐ Private Property ☐ River Improvement Overlay ☐ Public Property
☐ Other

II. OWNER/APPLICANT INFORMATION

Owner Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

Fax: _____ E-Mail: _____

Applicant Name: _____

Mailing Address: _____

Business Phone: _____ Home Phone: _____

Fax: _____ E-Mail: _____

The Office of Historic Preservation designates landmarks on the basis of historical, architectural, and cultural significance. Section 35-607 of the Unified Development Code outlines the Designation Criteria for Historic Districts and Landmarks. Please provide a **Statement of Significance** for why the property meets the criteria as outlined by the Unified Development Code:

I, THE APPLICANT, DECLARE THAT I AM THE OWNER OR AUTHORIZED AGENT OF THE OWNER(S) TO REQUEST HISTORIC DESIGNATION OF THIS PROPERTY AND THAT THE INFORMATION PRESENTED IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

Signature_____

Date:_____

PLEASE SUBMIT THIS FORM ALONG WITH:

- **Photographs of all four sides** of the building
- Relevant historic items
- Architectural description, history of the property, and people associated with the property – Please provide references and sources for research.
- **Copy of the current tax appraisal details**, available from Bexar County Appraisal District or www.bcad.org
- **Copy of the current Warranty Deed**, on file with the County Clerk or available online at www.countyclerk.bexar.landata.com
- Signed Authorization form from the zoning application granting the Office of Historic Preservation permission to act as the applicant for the Historic zoning overlay (see attached).
- For districts, letter requesting historic district formation
- For districts, map of proposed boundaries

ALL INFORMATION MUST BE SUBMITTED IN PERSON TO THE:

Office of Historic Preservation
Development and Business Services Center
1901 S. Alamo
San Antonio, TX 78283-3966
Telephone: (210) 207-7991



CITY OF SAN ANTONIO

DATE RECEIVED

HISTORIC AND DESIGN REVIEW COMMISSION APPLICATION FORM

Required Items : Plot plan, legal description, building elevations, final building plans and specifications, samples of paint colors, roofing materials, CLEAR COLOR photographs of structures and/or sites where construction will take place. All photographs and exhibits must be submitted in digital format on Compact Discs. **NO CASE WILL BE SCHEDULED FOR A HEARING UNTIL ALL SUPPORTING MATERIALS ARE RECEIVED.** (See check lists on pages 3 - 6)

Property Location (Street Address) _____

☐ Historic District Name _____

☐ Landmark Name _____

☐ River Improvement Overlay (Projects within RIO districts must comply with the San Antonio River: Vision Statement): *The San Antonio River will be a fully linked linear park that unifies the city and serves as a community gathering place for all to enjoy. The River will have many special places and uses; some active, some quiet. Each will be unique genuine, and vary by design.*

☐ Public Property ☐ Other _____

Parcel Identification: NCB _____ Block _____ Lot _____

BCAD Account Number _____

Name of Property Owner: _____

Mailing Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-Mail Address: _____

(If different from Owner)

Name of Applicant: _____

Address: _____ Zip Code: _____

Business/Home Telephone: _____ Fax No. _____

E-Mail Address: _____

Owner/Applicant is requesting permission to: (describe clearly and in detail all architectural alterations to be made in addition to other requests, an additional sheet may be used. This request will be part of the Certificate of Appropriateness).

1. _____
2. _____
3. _____
4. _____

This completed form is to be submitted in person at 1901 S. Alamo.

APPROVAL BY THE COMMISSION DOES NOT TAKE THE PLACE OF A BUILDING PERMIT. PERMITS MUST BE OBTAINED FROM THE CITY OF SAN ANTONIO, DEPARTMENT OF PLANNING AND DEVELOPMENT SERVICES, 1901 SOUTH ALAMO, AFTER COMMISSION APPROVAL.

**CITY OF SAN ANTONIO
HISTORIC AND DESIGN REVIEW COMMISSION
*LETTER OF AUTHORIZATION***

DATE: _____

Applicant understands the following:

1. If the Commission fails to approve any portion of a request and recommends that changes be made in the plans and specifications, the applicant will have five (5) days in which to inform the Historic Preservation Officer as to whether the applicant agrees to the recommended changes.
2. Following each meeting, the City Manager or designee is notified of the Commission's action. Within ten (10) days from receipt of the recommendation, the City Manager or designee shall notify the applicant as to whether his request has been approved, conditionally approved or denied.
3. If the applicant does not concur with the Commission's recommendation, appeal to the Zoning Board of Adjustment may be made within thirty (30) days after receipt of notification.

IF THE PROPERTY OWNER DOES NOT APPEAR PERSONALLY BEFORE THE COMMISSION, A LETTER OR SIGNATURE OF AUTHORIZATION MUST BE PRESENTED TO THE HISTORIC PRESERVATION OFFICER OR THE CASE WILL NOT BE HEARD.

I hereby authorize _____ of _____
(Name of representative) (Company or agency)

_____ to represent me in matters pertaining to this case.
(Address)

Owner's Name: _____
(Please Print)

Address: _____

City/State _____ Zip Code _____

Owner's Signature: _____

HISTORIC AND DESIGN REVIEW COMMISSION REQUIRED MATERIALS CHECK LIST

All background materials needed to support the applicant's request must be submitted to the Historic Preservation Officer **PRIOR** to scheduling the case before the Commission. **NO CASE** will be placed on the agenda if **ALL** materials are not on file by the deadline date. Any last minute changes must be shown on revised plans. These are to be submitted and placed in file prior to meeting.

I. Check Where Applicable:

- ☐ Conceptual Approval
- ☐ Final Approval (Previous HDRC Case NO: _____.)

II. Check Where Applicable:

- ☐ Residence and/or Duplex
- ☐ Apartments and/or Commercial
- ☐ Tax Abatement

III. PROJECT TO INCLUDE (check where applicable):

- A ☐ ALTERATION/REPAIR/RESORATION of an Existing Building or Structure
- B ☐ NEW CONSTRUCTION
- C. ☐ ADDITION
- D. ☐ DEMOLITION
- E. ☐ SIGN REQUIREMENTS
- F. ☐ FENCING
- G. ☐ DRIVEWAY - SIDEWALKS & PARKING LOTS
- H. ☐ REPAINTING (color change)
- I. ☐ REROOFING (materials/color change)
- J. ☐ LANDSCAPING
- K. ☐ SWIMMING POOLS - FISH PONDS & FOUNTAINS
- L. ☐ GAZEBOs - BATH HOUSE & DECKING
- M. ☐ TENNIS COURTS & PLAYGROUNDS
- N. ☐ TAX ABATEMENT PROJECT
- O. ☐ PUBLIC ART
- P. ☐ WINDOWS
- Q. ☐ OTHER

A. ALTERATION/REPAIR /RESTORATION of an existing building or structure

- ☐ Scaled drawings, detailed architectural drawings may be required, dependent upon extent of work proposed.
- ☐ Photographs of the property and surrounding property, showing where work is to be done.
- ☐ A written list of proposed materials and colors, including manufacturer's specification numbers.

Actual samples of materials and colors should be presented at the meeting.

- ☐ Written narrative indicating the extent of the proposed alteration.
- ☐ Other information needed to illustrate the proposed alteration.

B. NEW CONSTRUCTION

- ☐ Preliminary plans with building elevations

- ☐ Working scale drawings/specifications
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan with square footage of the building
- ☐ Photographs of building site for new construction
- ☐ Paint samples with brand name and number
- ☐ Roofing material sample
- ☐ Siding sample

C. ADDITION

- ☐ Preliminary plans with building elevations
- ☐ Scale drawing of addition in relation to structure
- ☐ Working scale drawings/specifications
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure showing current appearance
- ☐ Photographs of all exterior sides (include all four sides of building)
- ☐ Colors (sample)

D. DEMOLITION

- ☐ Photographs of structure (all exterior sides of structure)
- ☐ Scale site plan
- ☐ Proposed use after demolition (conceptual plan)
- ☐ Proof of economic hardship or [loss of significance](#) (required for demolition within a historic district or of a landmark; UDC Sec. 35-614. Demolition)

E. SIGNAGE

- ☐ Working scale drawings/specifications
- ☐ Scale drawing of sign in relation to structure
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photograph of location of proposed signage on structure/property
- ☐ Photographs of structure and all exterior sides affected by proposed work
- ☐ Type of materials to be used for sign
- ☐ Colors (samples) as applied to sign
- ☐ Size/style of lettering
- ☐ Illumination plan

F. FENCING

- ☐ Type/design of fence
- ☐ Scale of drawing of members with specifications
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure and all exterior sides affected by proposed work

G. DRIVEWAYS - SIDEWALKS & PARKING LOTS

- ☐ Type/design of driveway/sidewalk
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of structure, location and all exterior sides affected by proposed work
- ☐ Landscaping plans (if any)
- ☐ Colors (sample)

H. *REPAINTING (color change)*

- ☐ Type of material
- ☐ Colors (sample)
- ☐ Description of design
- ☐ Photographs of structure and all exterior sides affected by proposed work

I. *REROOFING (material/color change)*

- ☐ Type of material (sample or cut sheet)
- ☐ Colors (sample)
- ☐ Description of design
- ☐ Photographs of structure and all exterior sides affected by proposed work

J. *LANDSCAPING*

- ☐ Working scale drawings/specifications
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ List of plants or trees
- ☐ Photographs of structure and area to be landscaped
- ☐ Location of lighting, walkways, decking, pools, fountains, gazebos, or pool/equipment houses
- ☐ Sprinkler system (if any)

K. *SWIMMING POOLS - FISH PONDS & FOUNTAINS*

- ☐ Working scale drawings/specifications
- ☐ Scale drawing in relation to structure
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Type/design of swimming pool, fish pond and/or fountain
- ☐ Photographs of structure (all exterior sides) and area affected by proposed work
- ☐ Colors (sample)

L. *GAZEBOS - BATH HOUSE & DECKING*

- ☐ Working scale drawings/specifications
- ☐ Scale drawing in relation to structure
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure (all exterior sides) and area affected by proposed work
- ☐ Colors (sample)

M. *TENNIS COURTS & PLAYGROUNDS*

- ☐ Working scale drawings/specifications
- ☐ Scale drawing in relation to structure
- ☐ Scale site plan
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure (all exterior sides) and area affected by proposed work
- ☐ Colors (sample)

N. *TAX ABATEMENT PROJECT*

1. ☐ Commercial ☐ Residential
2. ☐ Certification ☐ Verification ☐ Project to be sent to State for IRS Certification
3. ☐ Attach completed Certification Form or Verification Form
4. ☐ Photographs

5. ☐ Scope of work

O. **PUBLIC ART** (The HDRC will hear Public Art projects on the 3rd Wednesday of each month)

- ☐ Letter of authorization from Public Art San Antonio (PASA)
- ☐ Working scale drawings/specifications
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of site
- ☐ Color rendering
- ☐ Description of project (theme, history ,etc.)
- ☐ Materials and media

P. **WINDOW REPLACEMENT**

- ☐ Justification for replacement of windows
- ☐ Working scale drawings/specifications (material and color)
- ☐ Sample of proposed window (manufacturer brochure)
- ☐ Scale site plan designating number of windows to be replaced
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Photographs of structure (all exterior sides) and area affected by proposed work

Q. **OTHER PROJECTS**

- ☐ Preliminary plans with building elevations
- ☐ Working scale drawings/specifications
- ☐ Drawings 8½" x 11" reproducible sheets
- ☐ Scale site plan
- ☐ Photographs of building site for new construction
- ☐ Paint samples with brand name and number
- ☐ Roofing material sample
- ☐ Siding sample

PLEASE BE ADVISED THAT THE COMMISSION HAS A POLICY OF ONLY HEARING A CASE WHEN THE OWNER OR THE OWNER'S REPRESENTATIVE IS PRESENT TO PRESENT THE CASE.

NOTE: PLEASE BE ADVISED THAT A STAFF MEMBER FROM THE OFFICE OF HISTORIC PRESERVATION MAY VIDEO TAPE OR PHOTOGRAPH YOUR PROPERTY FOR THE HISTORIC AND DESIGN REVIEW COMMISSION MEETING.

APPLICANT SIGNATURE

DATE

**CITY OF SAN ANTONIO, TEXAS
PLANNING AND DEVELOPMENT SERVICES DEPARTMENT**

TO: San Antonio Zoning Commission

FROM: Roderick J. Sanchez, AICP, CBO, Director

COPY: T.C. Broadnax, Assistant City Manager

SUBJECT: Military Sound Attenuation Overlay district

DATE: May 4, 2010

Summary:

Pursuant to City Council direction as part of the implementation of the Camp Bullis Joint Land Use Study (JLUS), staff collaborated with the military and a citizen stakeholder review team on an amendment to the Unified Development Code (UDC) to create a Military Sound Attenuation Overlay zoning district (MSAO).

Background:

Following City Council acceptance and approval of the Camp Bullis JLUS in June of 2009, the City Council outlined nine immediate action initiatives recommended in the study. Included in these initiatives was implementation of a sound attenuation ordinance for area identified in the study. A zoning overlay district was the tool selected for implementation because that would allow the standards to be applied to a specific area impacted by noise from Camp Bullis training activities. Requirements of the overlay would include sound attenuation in residential and other noise sensitive structures.

To provide feedback during the ordinance development process, the Planning and Development Services Department created a committee of stakeholders and building industry experts to offer advice, feedback and suggestions. Staff worked closely with military representatives to ensure the ordinance would meet the needs of the military within the scope of the JLUS. Sound attenuation standards of other entities were reviewed and evaluated; those relevant to Camp Bullis were considered. These other entities included Houston, TX; Austin, TX; Lakewood, WA; Tuscon, AZ; Pima County, AZ; Tempe, AZ; Luke AFB; Hampton, VA; Minneapolis-St. Paul, MN; and San Diego, CA.

The City Council's Infrastructure and Growth Committee will consider this item on May 11, 2009 for a recommendation prior to final consideration by City Council. If the zoning overlay district is approved by City Council, the next step would be to conduct a rezoning case and community outreach process to apply the overlay to the subject property.

Issue:

As mentioned above, the overlay would apply only to habitable portions of structures with specified noise sensitive uses: residences, assisted living and nursing facilities, schools, churches, medical facilities, funeral homes, child care, senior/community centers and libraries. An original goal of the overlay was to make it as flexible as possible. If the requirements were for very specific building materials, it would not accommodate changes

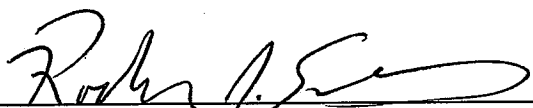
in materials and technology over time. A compliance option is included where structures may either be designed and constructed to achieve a specified decibel reduction, or identified building methods and materials of a specific rating may be used. Project applicants will sign a compliance certification statement prior to issuance of a certificate of occupancy, and if a group of noise sensitive structures are built with the same floor plan and construction method, a single certification statement may be used for all such structures.

As of the date of this memo, Planning and Development Services was still working with the stakeholder committee and the military on some details and fine-tuning. Any changes to the draft attached with this memo and the Zoning Commission agenda packet will be provided to the Zoning Commission in advance of your consideration.

Policy Analysis and Recommendation:

The City recognizes that training is vital to the missions of the various military bases, camps and installations in and around San Antonio. Their continued viability is critical to the readiness of the United States military and our nation's defense. Continued complaints of noise from these military activities would result in reduction or loss of military missions at the local installations, which would have a negative impact on San Antonio's economy. Sound attenuation of structures for certain noise sensitive land uses, as recommended in the Camp Bullis JLUS, is a prudent method to ameliorate the noise concerns.

The Planning and Development Services Department recommends approval of the UDC amendment. Staff requests that the Zoning Commission provide a recommendation on the proposed amendment which staff will forward to the City Council for their consideration. Thank you.



Roderick J. Sanchez, AICP, CBO, Director
Planning and Development Services

Proposed Amendments to the Unified Development Code **(Chapter 35 of the City Code)**

Sec. 35-303. Establishment of Districts.

Overlay Districts
(Listed in Alphabetical Order)

"MLOD"	Military Lighting Overlay Districts
"MSAO"	Military Sound Attenuation Overlay Districts
"NCD"	Neighborhood Conservation Districts

Sec. 35-339.05. "MSAO" Military Sound Attenuation Overlay District.

Statement of Purpose

Noise generated from military training exercises and aircraft operations affects quality of life for various San Antonio neighborhoods and business districts. This section establishes standards intended to lessen the external noise audible within the interior of noise sensitive structures to a level which greatly mitigates the impact on the general welfare of the public.

(a) Zoning District Establishment and Designation Criteria.

- (1) This section establishes a military sound attenuation overlay district as an overlay to the base zoning districts. Separate ordinances are required to designate an overlay district via the official rezoning process.
- (2) To be designated as a military sound attenuation overlay district, the area must be identified by the United States military, joint land use study or adopted master plan as being situated within a noise military influence area.
- (3) The zoning designation for a military sound attenuation overlay district shall consist of a base zone symbol and the "MSAO" symbol as a suffix. Military sound attenuation overlay districts shall be numbered sequentially to distinguish among different districts, i.e., "MSAO-1", "MSAO-2", etc.

(b) Noise Sensitive Land Uses. The following is a list of noise sensitive land uses subject to this section:

- (1) Residential structures including but not limited to single-family and multi-family dwellings
- (2) Assisted living facilities, nursing facilities, adult day cares and similar congregated living uses
- (3) Schools including but not limited to primary and secondary schools, colleges and universities
- (4) Facilities for religious worship or study
- (5) Medical facilities including but not limited to hospitals and residential treatment centers

- (6) Funeral homes
- (7) Child care facilities
- (8) Senior/community centers
- (9) Libraries

(c) District Standards – Camp Bullis (MSAO-1)

All habitable portions of structures occupied by noise sensitive land uses shall be designed and constructed to achieve either:

- an outside to inside noise level reduction (NLR) of at least twenty-five (25) a-weighted decibels (dBA), or
- be built to the standards set forth in subsection (c)(1)(B) below.

These standards are required regardless of whether the noise sensitive land use is stand-alone as a single use or part of a larger development that may include more than one land use.

(1) Options for Compliance. Compliance may be demonstrated using one of the following methods:

(A) Use simultaneous noise readings of instantaneous outside and inside noise levels in accordance with ASTM E 966 to ensure the structure achieves an outside to inside NLR of at least twenty-five (25) dBA; or

(B) Utilize construction materials with a minimum tested or listed sound transmission class (STC) rating of forty (40) for walls, ceilings, doors and windows, in accordance with the following construction methods:

1. Walls. The specific exterior wall assemblies listed below shall include the interior finishes set forth therein. **Exception:** Exterior wall assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).

a. Brick veneer. When exterior walls are constructed using brick veneer, a minimum of one-half (½) inch gypsum drywall shall be applied as the interior finish.

b. Vinyl or cement sidings. When exterior walls are constructed using vinyl or cement sidings, a minimum of five-eighths (5/8) inch gypsum drywall shall be applied as the interior finish.

c. Other assemblies and materials. All other exterior wall assemblies or materials shall have a tested or listed minimum STC rating of forty (40).

2. Windows. All windows shall have a minimum STC rating of forty (40) when tested in accordance with ASTM E 90. The cavity between the wood framing and the window frame shall be insulated with fiberglass insulation or foam insulation to the depth of the window frame.

3. Doors. All exterior doors shall have a minimum STC rating of forty (40) when tested in accordance with ASTM E 90. **Exception:** An exterior door may have a tested or listed STC rating of less than forty (40) when installed with a storm door which when combined, achieve a minimum tested or listed STC rating of forty (40).

4. Roof/Ceiling Assemblies. Roof/ceiling assemblies shall be constructed in accordance with the requirements of subsections 1 or 2 below. **Exception:** Roof/ceiling assemblies or materials that have been tested or listed with a minimum STC rating of forty (40).

- a. Ceilings with unconditioned attic space shall be insulated with a minimum of one-half (1/2) inch gypsum drywall on the interior ceiling side covered with a minimum of twelve (12) inches of blown in fiberglass insulation.
- b. Ceilings without attic space above shall be insulated with a minimum of five-eighths (5/8) inch gypsum drywall on the interior side filled with a minimum of nine (9) inches of fiberglass batt insulation with a one (1) inch air space between the roof sheathing and the fiberglass.
- 5. **Mechanical Systems.** Mechanical ventilation systems (HVAC) shall provide minimum air circulation and fresh air requirements for various uses in occupied rooms without the need to open any windows, doors, or other openings to the exterior. In-window, through-wall, or through-floor air conditioning, ventilating, or heating units shall not be used. Exception: A ductless system may be utilized if the system does not require an exterior wall penetration(s). Additionally, an in-window, through-wall or through-floor unit may be installed if the following is implemented to reduce sound entering through the unit:
 - a. Insert a horizontally "L" shaped duct extension between the structure and the unit. This may require the installation of a support stand and slab for the unit.
 - b. Add acoustically designed "upducts" in the ceiling of each room to allow proper circulation of air while windows are closed.

(2) Certification.

- (A) Prior to approval of final inspection or issuance of a certificate of occupancy, all project applicants shall submit to the planning and development services department a signed statement certifying compliance with this section.
- (B) Upon approval of the planning and development services department, single certification of multiple structures in the same development may be used as long as the structures implement the same floor plan and construction method.

Appendix A
Definitions and Rules of Interpretation.

Sec. 35-A101. Generally.

ASTM E 90. The standard test method for laboratory measurement of airborne sound transmission loss of building partitions and elements.

ASTM E 966. The standard guide for field measurements of airborne sound insulation of building facades and façade elements.

A-Weighted Decibel (dBA). The most commonly weighted sound filter used to measure perceived loudness versus actual sound intensity. The human ear responds differently to frequencies. For example, the human hearing system perceives mid-frequency sounds as louder than low and high frequency sounds. To accommodate this condition when measuring sound levels, filters need to be installed into sound meters. The results are a more accurate measurement of sound for the human hearing system.

Decibel (dB). Unit of measurement used to express the intensity or loudness of sound.

Sound Transmission Class (STC). An integer rating relating to the quality of sound attenuation for building partitions such as walls, ceilings, doors, and windows.

DRAFT